

4. Please explain how Officer Elizalde interrupted you.

Officer Elizalde turned around from her chair, faced me and began asking questions about the subject that I had arrested. I was talking to the G4S officers and was trying to explain to them the way he was behaving at the scene and at the station. The conversation was never intended to include her and I never asked her to comment or join the conversation. Officer Elizalde just began asking questions as if my conversation with G4S included her.

On the audio recording from 10-21-16, you stated you had heard Officer Elizalde saying "if they don't speak English, they shouldn't be in the United States". Is this correct?

- a. Who else was present when this was said?
- b. Does she usually make these type of statements?
- c. When does she state this comments?

Yes, I have heard officer Elizalde make that statement "if they don't speak English, they shouldn't be in the United States". I would like to clarify that she did not say that statement on that specific day. I have been at the Mission Valley for several years now (working on the same shift as officer Elizalde) and I did not write down the dates or the times when she has made those types of remarks. I know that I see her on shift meetings or whenever we are doing paperwork, but I cannot pinpoint the exact date, time or location when she made this comment. I brought up that statement to show how Officer Elizalde refers to Hispanics and to illustrate some of her beliefs. I wish that I could give a precise date for that incident, however, my focus is to come to work and do my job.

5. Did the supervisor in attendance at the meeting address her comments?

I don't think her comments have been addressed before.

6. In the audio recording from 10-21-16, you mentioned Officer Elizalde only confirms Hispanics on channel one. Please provide examples of when she has done this (approximate dates).

I do not have an exact date to indicate which date she has not confirmed a warrant for a specific subject. I have witnessed her not confirming warrants for non-Hispanic subjects on channel one. Unfortunately, I did not write down the date or time for this incident. I am not a supervisor and have no control over her or any authority to bring up these type of incidents to her attention. The reason I mentioned it is to show that she has preferences and is biased when dealing with certain people.

7. In your statement from 10-21-16, you mentioned Officer Elizalde had used Border Patrol as leverage. Please provide examples (include approximate dates).

a. Has Officer Elizalde done this recently?

Yes, I did state that officer Elizalde has used Border Patrol as leverage when dealing with subjects. This has not happened recently, at least to my knowledge, but there were several past incidents when she would request Border Patrol to her location when dealing with undocumented subjects. These type of incidents have not occurred recently and I cannot provide specific dates for the past incidents. I am not focused on her actions and I do not let her actions bother me whenever she makes such decisions. The reason I am mentioning this in my statements to prove and show what she has a certain way of acting towards Hispanic/Mexicans.

8. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?

I do not have any other information at this time.

9. Please identify any other persons who might have information relative to this investigation?

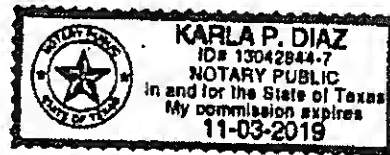
I wish I could provide a specific date which would be very helpful in this investigation. I did not write any dates or times or have a specific incident which would help clarify my statements.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE KARLA DIAZ #2897 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Subscribed and sworn to before me, the undersigned authority, on this 28 day of October, 2016.

2897
NOTARY PUBLIC STATE OF TEXAS





EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN

COMPLAINANT: Chief's Office

ADDRESS:

PHONE #:

This statement is given to: **Detective Karla Diaz #2897**
of the El Paso Police Department Internal Affairs Division
by: **Officer Martina Elizalde 1817**
Date & Time: **10/31/2016** / **11:17** hours

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM

My name is Martina Elizalde, and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission/promotion of 10/11/1996. I am currently assigned to the Mission Valley Regional Command Center. I have been ordered to give an Administrative Statement to **Detective Karla Diaz #2897** of the El Paso Police Department/Internal Affairs Division and address the following issues:

- You are the target of an administrative investigation under case number IA16-0224. You are being questioned as part of the administrative investigation under IA16-0224 by the Internal Affairs Division of the El Paso Police Department into potential violations of Department or City of El Paso policies, procedures, rules and/or regulations. Thus, the sworn statement you will provide is considered to be a sworn statement. Do you understand this? Yes
- You are being ordered to answer questions specifically, directly and narrowly related to the performance of your official duties on or about May 24, 2016. Therefore, you are being given a direct order to disclose any and all information about the events at issue in administrative case IA16-0224. Do you understand this? Yes
- This administrative statement is being compelled under direct order from Internal Affairs. Therefore, you are entitled to all applicable rights and privileges guaranteed under the relevant laws of the United States and State of Texas as well as City of El Paso Civil Service Rules and Regulations, and the contract between the City of El Paso and the EPMPOA. Do you understand this? Yes

KD2897

Officer Martina Elizalde 1817

Page 1 of 7

- If you refuse to answer questions or give false or intentionally incomplete information, such can result in disciplinary action against you up to and including termination. Do you understand this?
- The matters under investigation in this administrative investigation are non-criminal in nature. Do you understand this? Yes
- No answer given by you or evidence derived from the answer may be used against you in any criminal proceeding brought against you, except for perjury. Do you understand this? Yes
- *Garrity* protection does not apply in the event that you commit perjury or obstruct justice in this investigation. Do you understand this? Yes
- Anything you say during this administrative interview may be used against you in any subsequent Department charges. Do you understand this? Yes
- You have the right to consult with a representative of the El Paso Municipal Police Officers Association (EPMPOA) and have him/her present during the interview only. Do you understand this? Yes

1. After being informed of this right, I Martina Elizalde have voluntarily opted to have an EPMPOA representative present during the interview in administrative case IA16-0224.

2. The EPMPOA representative that was present during my interview was Sgt. Ron Martin.

- Do you have any questions concerning these rights that have been explained to you? Yes
1. Prior to this interview were you given the opportunity to view the station video from May 24, 2016 of the holding cell area?
yes
 2. On May 24, 2016, between 1600-1615 hours, you are observed in the station video at the holding cell area along with Officer Jose De Avila #1986 and two G4S officers. Is this correct?
yes
 3. Please explain what transpired between yourself and Ofc. De Avila as you sat in the report writing pod of the holding cells at the MVRCC.
Earlier that day, Officer DeAvila and myself each had an arrestee in the holding cell. Officer DeAvila's guy was a white male (50s or 60s, a transient,

I believe) who would not keep quiet. He kept up a non-stop string of complaints, conversation and questions toward Officer DeAvila, who was trying to hurry to complete the report. Every few minutes, Officer DeAvila would tell his arrestee to shut up and kept telling him that the more he talked, the longer it would take him (DeAvila) to finish the report and the longer he (arrestee) would have to be in the holding cell. As it was not my arrestee, I thought it kind of funny as I know how frustrating it can be having a noisy arrestee like that. My arrestee posted bond, was released and I went back out into the field. At around 1600 hrs, I was finishing a report when Officer DeAvila came in and was talking to the two G4S Officers about that same arrestee. I turned and asked Officer DeAvila if that guy ever shut up on the way to booking. Officer DeAvila told me that "the guy was just like you – he hated Mexicans, too." My reply to this insulting, racial statement was: "I have nothing against Mexicans but I don't like stupid assholes like you." With that I turned around and kept working on my report.

4. Please explain in detail the content of the conversation you had with Officer Jose De Avila #1986.

Officer DeAvila told me that "the guy was just like you – he hated Mexicans, too." My reply to this insulting, racial statement was: "I have nothing against Mexicans but I don't like stupid assholes like you."

5. Were you initially part of the conversation between Officer De Avila and the G4S personnel? Please explain.

No

6. What prompted you to interject in the conversation between Officer De Avila and the G4S personnel?

Because they were talking about that particular arrestee I had knowledge about.

7. Did Officer De Avila respond to you, "No, he was acting like you, he hated Mexicans too" or similar words when you asked if the prisoner smelled?

Yes, Officer DeAvila responded to me with words similar to those above. However, I never asked if he smelled -- I asked if he ever shut up on the way to jail.

8. Did you have some type of disagreement with Officer De Avila just prior to your interaction with him at the holding cell area? If so, please explain.

No

9. Was there anything you did that precipitated Officer De Avila to become confrontational with you? If so, please explain.

No

10. Did you state, "I don't hate Mexicans I hate assholes like you, it's not my fault those assholes are Mexicans" or similar words?

No. I replied to Officer DeAvila's statement with: I have nothing against Mexicans but I don't like stupid assholes like you."

- a. If so, who were you referring to?

I was referring to Officer DeAvila

- h. Why was this said?

Because Officer DeAvila made the statement: "the guy was just like you -- he hated Mexicans, too."

11. Please explain in detail the notification you made to Lt Valenzuela regarding the incident with Officer DeAvila, to include approximately how long after the incident notification was made.

Probably 5-10 minutes after, I texted Lt. Valenzuela. But I sent the text to the work phone. When I realized this, I decided to call her on her cell phone instead of texting.

12. While addressing the incident with Officer De Avila to Lt Valenzuela did you tell her that you were "tired of this shithole department and assholes like De Avila" or similar words?

I probably told Lt. Valenzuela that I was tired of this crap and how the Department tried to label me as a racist and I was tired of assholes like Officer DeAvila.

13. Is it common practice for you to make disparaging remarks to others about the El Paso Police Department? If so, please explain.

No, it's not common practice for me to make disparaging remarks about the El Paso Police Department.

14. Why did you inform Lt Valenzuela for her not to be surprised if she saw a hole in the wall?

I never said that.

15. Why did you inform Lt Valenzuela the next person who did something like this (insinuating the incident with Officer De Avila), you would "fuck them up, fuck up their careers"?

I never said that.

16. What specifically did you mean by stating you would "fuck them up, fuck up their careers"?

I never said that.

17. What specifically did you mean when you informed Lt Valenzuela that the department knew of a place to put you but you did not elaborate to her where?

I never said that and have no idea what that even means...

18. Have you had any previous incidents with Officer De Avila?

Not that I recall. BUT Officer DeAvila never liked me starting when I came to the shift in 2011. Back then, Sgt. Lujan would send out an e-mail at the beginning of each month, listing several statistics such as arrests, tickets, people/vehicles checked and a few others and would attach the names of the top three Officers in those categories. My name appeared pretty much every month on usually more than one category. I guess Officer DeAvila did not like that as he seemed to keep track of how many tickets I would write. Over the years he would also make little remarks about me writing parking tickets, my 10-98 arrests and my traffic stops. The only time I questioned Officer DeAvila's conduct (and I only asked a couple of Officers from the shift if they did not find his conduct out of line) was when the whole shift (including the Sergeants but not Lt. Valenzuela who just became our new Lieutenant) got together at midnight for a C.P. after a shift training day. Somehow Officer DeAvila was already very drunk within 30-minutes or so. I limited myself to one beer and Sgt. Ramirez limited himself to two beers.

Officer DeAvila, being sloppy drunk, kept trying to get Sgt. Ramirez to keep drinking and trying to press open bottles of beer on him. At one point while trying to talk Sgt. Ramirez into drinking more, Officer DeAvila referred to the Sergeant as "Fucker". I was appalled not only because DeAvila was using that kind of language towards a supervisor but equally appalled that no other supervisor even blinked!!! I left shortly after that.

If so, specify when and where?

19. Did you report any of the previous incidents with Officer De Avila to a supervisor?

No. There were no previous "incidents".

20. Were any of the previous incidents documented by a supervisor?

No. There were no previous "incidents".

21. During shift meetings have you stated "if they don't speak English, they shouldn't be in the United States" or similar words? If so, why was this said?

No, my opinion is that if you come to live in the US, you should learn the language (English). I have stated that opinion and so have most of my fellow co-workers at one time or another.

a. To whom was that comment made to?

22. Have you requested border patrol to your traffic stops? If so, for what purpose?

Yes, to positively identify a person so I could cite him/her for the traffic violation(s).

23. It has been alleged that you only confirm on Hispanic subject when you check them for warrants through channel one. What is the reason for doing this?

I don't do this.

24. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?

No

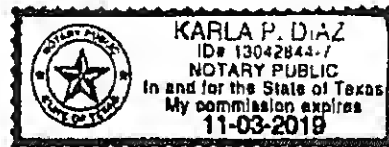
25. Please identify any other persons who might have information relative to this investigation? None

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE DIAZ #2897 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Subscribed and sworn to before me, the undersigned authority, on this 31 day of October, 2016.


NOTARY PUBLIC STATE OF TEXAS





El Paso Police Department Internal Investigations Report

Incident Entered By: LIEUTENANT Lucille Valenzuela
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
5/25/2016	5/24/2016	16:00
Record IO #	Case No	IA No
39222		IA16-0224
Date/Time Entered		
5/25/2016 13:31		

Incident Summary

5/24/16 1622 hrs. While I was open my way home, I received a phone call from Officer Elizalde. Officer Elizalde speaking in an angry tone, advising that she wanted to file a complaint against Officer Joe De Avila. I advised her that she could wait until tomorrow or seek out an on-duty supervisor. Officer Elizalde advised she would wait until tomorrow. Call lasted 1 minute 23 seconds.

05/25/16 0600 hrs. I met with officer Elizalde to find out what she wanted to file on. Officer Elizalde advised of the following:

1610-1620 hrs. Officer De Avila and two G4S officers were discussing an earlier prisoner De Avila had brought in. The G4S officers asked if the prisoner who is a transient smelled.

Elizalde asked if he smelled to which Officer De Avila is alleged to have said:

"No, he was acting like you, he hated Mexicans too." To which she responded: "I don't hate Mexicans I hate assholes like you, it's not my fault those assholes are Mexicans."

I asked if she desired to file a complaint she got a little upset as if frustrated with my question. Elizalde stated she wanted to file a complaint. I asked what remedy she was seeking and she stated that she is tired of this shithole department and assholes like De Avila. She then said don't be surprised if you see a hole in the wall and I advised her that if she punched any walls she would be arrested for criminal mischief. I also advised her that she is not to engage anyone in a fight and she said, "I'm not going to fuck up my career for anyone, then they win." I told her I had to let her know that any criminal behavior will not be tolerated. Officer Elizalde aid the next person who does something like this, "I will fuck them up, I'll fuck up their career." Elizalde also said that this department knows of a place to put her but won't I asked where is that place and she didn't respond. The station video is being secured and will be reviewed. The G4S employee is identified as Maria posible last name of Contreras.

Incident Location

- 9011 Escobar, El Paso, TX 79907

Involved Officers

OFFICER Jose DeAvila - PD ID Number: 006966

Allegations linked to this officer

- Viol of Procedures/Policies

OFFICER Martina Elizalde - PD ID Number: 006688

Allegations linked to this officer

- Viol of Proc/Pol-Unprofessional Conduct-Other

Attachments

No attachments

Chain of Command History

Sent On	From	To	CC	Approved
5/25/2016	LIEUTENANT Lucille Valenzuela	COMMANDER Roberto Ramos	(none)	<input checked="" type="checkbox"/>

Sender's Instructions: For review, recommendation is forward to IAO for follow-up.

Recipient's Comments/Response: Recommendation: Forward to Internal Affairs to investigate the allegations made by Officer Ellzalde as well as the comments made by her to Lieutenant Valenzuela. The video from the holding cell area was downloaded however no audio is available due to a malfunction of the equipment. A work order was submitted by the station manager for repair.

5/27/2016	COMMANDER Roberto Ramos	ASST CHIEF Peter Pacillas	(none)	<input checked="" type="checkbox"/>
-----------	-------------------------	---------------------------	--------	-------------------------------------

Sender's Instructions: Sir, my recommendation is included in the comments section.

Recipient's Comments/Response: To IAO for investigation.

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

COMMANDER Roberto Ramos

ASST CHIEF Peter Pacillas



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
FIRST NOTICE FORM - SWORN

AFFECTED EMPLOYEE(S): Officer Jose DeAvila #1986

FROM: INTERNAL AFFAIRS DIVISION: Detective Karla Diaz #2897

SUBJECT: First Notice to Employee Ref: 1A16-0224

This is to notify you that the Internal Affairs Division has initiated an investigation on allegations noted in the attached Preliminary Information Document. Employees involved in this case are instructed not to contact anyone associated with this case. The Internal Affairs Division will conduct the investigation.

A copy of this First Notice Form and the Preliminary Information Document has been issued to involved employee(s). JD 1986

Commissioned employees are reminded they may voluntarily and at anytime during the course of their employment with the El Paso Police Department attend the stress management program as referred in the current Articles of Agreement between the City of El Paso, Texas, and the El Paso Municipal Police Officers Association. JD 1986

Jennifer F. Callan
Director of Professional Accountability

Affected Employee: [Signature] 1986
Witness: [Signature] 1961

Date/Time: 9/23/16

KD2897

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 2/10/18 BY: C1722 TO: D Nathan



**EL PASO POLICE DEPARTMENT
NOTIFICATION OF ALLEGATIONS
RIGHTS AND RESPONSIBILITIES FORM**

Name ID #

Jose DeAvila #1986

Rank

Officer

Assignment:

MVRCC

This will serve as notification to you that a complaint has been forwarded to: Internal Affairs Division

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

Department policy provides that you have a right to be advised in writing of the allegation even if the allegation is such that it will not result in the filing of criminal charges or the filing of charges seeking your separation from the Department. Accordingly, you are hereby advised that the following allegation(s) have been attributed to you:
Violations of:

1. Unprofessional Conduct
2. City of El Paso Civil Service Rule 8 et seq.
3. Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
4. Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and /or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials

JDP 29/16

Confidentiality Order

You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with Anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Detective K. Diaz # 2897 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials

JDP 19/16

The undersigned hereby acknowledges receipt in writing of notification of the allegation(s) made against him/her, and his/her rights and responsibilities.

[Signature] 19/16
Officer's Signature

[Signature] 19/16
Witness Signature

Date/Time

Date/Time

9/23/16 320 p.m.9/23/2016 0337h5



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
FIRST NOTICE FORM - SWORN

AFFECTED EMPLOYEE(S): Officer Martina Elizalde #1817

FROM: INTERNAL AFFAIRS DIVISION: Detective Karla Diaz #2897

SUBJECT: First Notice to Employee Rcf: IA16-0224

This is to notify you that the Internal Affairs Division has initiated an investigation on allegations noted in the attached Preliminary Information Document. Employees involved in this case are instructed not to contact anyone associated with this case. The Internal Affairs Division will conduct the investigation.

A copy of this First Notice Form and the Preliminary Information Document has been issued to involved employee(s).

Commissioned employees are reminded they may voluntarily and at anytime during the course of their employment with the El Paso Police Department attend the stress management program as referred in the current Articles of Agreement between the City of El Paso, Texas, and the El Paso Municipal Police Officers Association.

Jennifer F. Callan
Director of Professional Accountability

Affected Employee: #1817

Date/Time: 9/23/16

Witness: #1535

KD2897



**EL PASO POLICE DEPARTMENT
NOTIFICATION OF ALLEGATIONS
RIGHTS AND RESPONSIBILITIES FORM**

Name ID #
Martina Elizalde #1817

Rank
Officer

Assignment:
MVRCC

This will serve as notification to you that a complaint has been forwarded to: Internal Affairs Division

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

Department policy provides that you have a right to be advised in writing of the allegation even if the allegation is such that it will not result in the filing of criminal charges or the filing of charges seeking your separation from the Department. Accordingly, you are hereby advised that the following allegation(s) have been attributed to you:
Violations of:

1. Unprofessional Conduct
2. City of El Paso Civil Service Rule 8 et seq.
3. Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
4. Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and/or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials ME

Confidentiality Order

You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with Anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Detective K. Diaz # 2897 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials ME

The undersigned hereby acknowledges receipt in writing of notification of the allegation(s) made against him/her, and his/her rights and responsibilities.

Officer's Signature

9/23/16

Date/Time

Witness Signature

9/28/16

Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)



EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM

Lucille Valenzuela #1241	Lieutenant	CRCC
Name & ID #	Rank	Assignment

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case #IA16-0224

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and /or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials

LV

Confidentiality Order

You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with ANYONE other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Detective Karla Diaz #2897 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials

LV

Lucille Valenzuela

Officer's Signature

10/5/16 1849 hrs

Date/Time

Wick

Witness Signature

10/05/2016 1850 hrs

Date/Time

Diaz, Karla P.

From: Salcido, Pedro
Sent: Wednesday, October 26, 2016 5:13 AM
To: Elizalde, Martina
Cc: Ramos, Roberto D.; Bentley, Steffan; Lujan, Lawrence; Ramirez, Arturo; Salcido, Pedro
Subject: RE: Internal Affairs

Sensitivity: Confidential

Officer Elizalde;

In these instances, we do not tell Internal Affairs that we will be late for our assigned appointment. I would expect officers under my command to have made a kindly request to reschedule the Internal Affairs appointment due to the conflict of a previous meeting you have committed too. Surely Internal Affairs would understand and I am confident they would accommodate your request. I expect officers under my command to exemplify themselves with a more professional demeanor than what you have demonstrated in your e-mail. In the future, I expect that you conduct yourself with a higher level of professionalism and that you request an accommodation as opposed to demand an accommodation.

In addition, this matter is not open for any further discussion.

Lt. Salcido

From: Elizalde, Martina
Sent: Tuesday, October 25, 2016 5:13 PM
To: Diaz, Karla P.; Ramos, Roberto D.
Cc: Bentley, Steffan; Salcido, Pedro
Subject: RE: Internal Affairs
Sensitivity: Confidential

Officer Diaz,

I will be at least an hour late that morning as I have to be at that Pension/Retirement Meeting that day at 909 E. San Antonio at 09:00 hrs.

Sincerely,
Martina Elizalde #1817

From: Diaz, Karla P.
Sent: Tuesday, October 25, 2016 8:33 AM
To: Ramos, Roberto D.
Cc: Elizalde, Martina; Bentley, Steffan; Salcido, Pedro
Subject: Internal Affairs
Importance: High
Sensitivity: Confidential

Good Morning Commander Ramos,

Officer Martina Elizalde #1817 is the subject of the administrative case (IA16-0224). I am sending this notice to you regarding the Officer's appointment to provide a sworn statement on Tuesday, November 1, 2016 at 0900 hours at the Internal Affairs Office (211 N. Florence Suite 205). Please ensure that this Officer is present for this appointment. For

your convenience, I have copied the Officer on this email. Additionally, If there are any conflicts with the set appointment, please notify me immediately. If you have any questions, feel free to contact me at the number listed below. Thank you for your time and assistance with this request.

Respectfully,

Detective Karla Diaz #2897

El Paso Police/Internal Affairs Division

PH: (915) 212-0157


FAX: (915) 212-0158

2897@elpasotexas.gov

If you have received this communication in error, please notify the sender immediately and destroy the original communication. You are prohibited from printing, copying, communicating or disclosing this communication in any manner if you are not the intended recipient.

**El Paso Police Department
Internal Affairs Division
Request Copy of Statement**

I, Jose De Avila #1986, am requesting a copy of my sworn statement which was provided to Internal Affairs on 10-21-16. This request is in accordance with Article 30 of the collective bargaining agreement between the City of El Paso and the El Paso Municipal Police Officer Association as well as any relevant state statute.



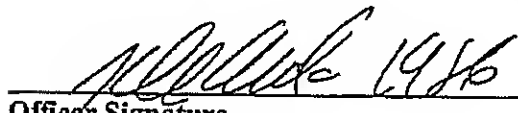
Officer Signature

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/10/18 BY: C1722 TO: D Nathan

**El Paso Police Department
Internal Affairs Division
Request Copy of Statement**

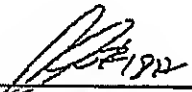
I, Jose De Avila, am requesting a copy of my sworn statement which was provided to Internal Affairs on 10-28-16. This request is in accordance with Article 30 of the collective bargaining agreement between the City of El Paso and the El Paso Municipal Police Officer Association as well as any relevant state statute.



Officer Signature

**El Paso Police Department
Internal Affairs Division
Request Copy of Statement**

I, Martina Elizalde #1817, am requesting a copy of my sworn statement which was provided to Internal Affairs on 10-31-16_. This request is in accordance with Article 30 of the collective bargaining agreement between the City of El Paso and the El Paso Municipal Police Officer Association as well as any relevant state statute.



Officer Signature



**EL PASO POLICE DEPARTMENT
PRELIMINARY INFORMATION DOCUMENT**

Administrative Case #: IA16-0475

Location of Incident 9011 Escobar		Date of Incident 7-23-16		Allegation Code	
Complainant Chief's Office		Address 911 N. Raynor		Phone 915-212-4000	
Noted on Supervisor's Log By/Date Sgt. L. Lujan 11-11-16		PID Initiation Approved By/Date Office of the Chief 1-5-17			
Employee(s) Involved:	ID #	Division	On Probation?	Type of Probation / Date Probation Ends	
Off. Martina Elizalde	#1817	MVRC	NO	N/A	
Employee Witness(s):					
Brief Explanation of Events: This Preliminary Information Document is being generated to document that the involved employees are alleged to have violated Department Policy and Procedure, Rules and Regulations, and any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.					
DH					
Signatures:					
Supervisor Initiating Report: Sgt. Mike Valles #1833		Rank/Position Sergeant		Date/Time 1-5-17 830hrs	
Shift/Section Commander		Recommendation			
Division Commander		Recommendation			
Bureau Commander		Recommendation			
Final Disposition:					
1. ALLEGATION 1: Sustained Category B 34 hours SUS					
2. Sustained on suspension + anger management					
3. 24 hrs. Chief Allen Training					
Signature of Employee <i>[Signature]</i>		Date/Time 02/10/2017 11:25			

Candice Rodriguez #1289-EPMPA
For M. Elizalde #1817 1/19/17 3:33pm

ALM Gardner
01-17-17

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



CASE SUMMARY REPORT
El Paso Police Department
Internal Affairs Division

I. INFORMATION

Case No.: IA16-0475
Complainant: City of El Paso/Sgt. Lujan
Date of Incident: 7-23-16
Date Reported: 11-11-16
Date Received in IAD: 11-11-16

This incident occurred at 9011 Escobar on or about 7-23-16.

II. DISCIPLINARY TIME TABLES

There are no criminal allegations in this investigation. Therefore, the 180 day rule is applicable for disciplinary action, if any, in this case. The 180th day is Jan. 19th, 2017.

III. ALLEGATIONS

Allegation #1: It is alleged that on or about July 23, 2016 Officer Martina Elizalde #1817 violated Department policies, procedures, rules and /or regulations – indecent, profane or harsh language used in the performance of official duties as a police officer when she told a probationer Humberto Cavazos “don’t you ever do that again you little shit or I will kick your ass” or similar words after he accidentally sprayed water on your patrol unit while washing police vehicles at the Mission Valley Regional Command Center.

IV. FACTS NOT IN DISPUTE

- This incident occurred on 7-23-16 at 9011 Escobar on dayshift.
- Officer Elizalde was working full crew with Off. Minjares as IF182.
- A carwash was being conducted at the MVRCC with Off. G. Sanchez in charge.
- Probationers were assisting with the carwash as part of their community service.
- Sgt. Bentley was the only supervisor on duty.

V. TIMELINE

- 7-23-16 Incident occurred at MVRCC on dayshift.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

VI. RELEVANT POLICIES, PROCEDURES, RULES & APPLICABLE LAW

The issues in the investigation revolve around the acts or omissions of Officer M. Elizalde #1817 while on-duty or off-duty. As such, the relevant policies, procedures, rules and applicable law are as follows:

- Rule 14 et seq., El Paso Police Department Procedures Manual Addendum, Rules and Regulations
- Rule 27 et seq., El Paso Police Department Procedures Manual Addendum, Rules and Regulations
- City of El Paso Civil Service Rule 8 et seq.
- Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
- Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.

VII. STATEMENTS

- I. Accused Employee Ofc. Martina Elizalde #1817 was given a timely notice of this investigation. She was provided with his applicable rights and interviewed on or about Jan. 5th, 2017. She did not have association representation present during the interview.
2. Witness employee statements were obtained from: Officer G. Sanchez #2278, Off. J. Minjares #1505, Off. Paul Portillo #1332, Sgt. A. Ramirez #1961, Sgt. S. Bentley #2118, Sgt. L. Lujan #1390 and Lt. P. Salcido #1649.

VIII. EVIDENCE/PHOTOGRAPHS

- All sworn statements in administrative case 1A16-0475 are notarized and attached to case.

IX. CANVASSING

- No Canvas was done in this incident as it occurred at the MVRCC.

X. CASE NOTES

- Complaining Witness Cavazos did not give a follow-up clarification statement, even after setting up an appointment to do so.

XI. INVESTIGATORS NOTES

- 11-28-16 Detective D. Holguin was assigned the case for follow-up and the case was marked active. Detective viewed the attached documents in the case.
- 12-8-16 Sent email notification to supervisors and Off. Portillo to give statement on Dec 12th at 1100hrs.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

- 12-12-16 Took Off. Portillo's statement. The audio and statement to include the R&R form, were attached to the case.
- 12-13-16 Called CW Cavazos to request a clarification statement. He advised he would be in on Dec 14th at 1600hrs to give a statement.
- 12-14-16 Sent email to Valley station manager Morales for logsheets for 7-29-16 for Off. Elizalde and Off. Portillo and logsheets for 7-16-16.
- Sent email to Sgt Bentley for statement on Dec. 16th at 900hrs. Sent email to Lt. Salcido for statement on Dec. 20th at 900hrs.
- CW Mr. Cavazos did not show up for his appointment. Detective called him and left a voicemail to return the call.
- 12-15-16 Sent email for Off. Minjares statement on Dec 22nd at 900hrs. Also sent email to Off. P. Portillo for a second statement on Dec. 19th at 1100hrs.
- 12-16-16 Took Sgt. Bentleys statement. He provided a Word doc to attach to the case. Det. Rohwer assisted with the finalization of the statement.
- 12-19-16 Scanned the Word doc and statement into the case with related papers. The audio was downloaded in to the case as well.
- Took Off. Portillos clarification statement. It was attached to the case to including the audio.
- 12-20-16 Took statement from Lt. Salcido. Received a copy of the rescinded memo request written by Off. Portillo. Lt. Salcido's statement was needing review and he was off shift as of 1430hrs. Lt. Salcido stated he would be back in the Office at 900hrs tomorrow.
- Sent email notification to Off. Sanchez in reference to his statement on Dec. 28th at 900hrs.
- 12-21-16 Continued with Lt. Salcido statement. Was advised to be back on Friday Dec. 23rd at 730hrs to finish statement.
- 12-22-16 Took Off. Minjares statement. The statement, audio, and R&R were attached to the case.
- Sent email to Sgt. A. Ramirez reference statement on Dec. 31st at 900hrs.
- Attached Lt. Salcido first audio to case. Sent email reminder to Lt. Salcido reminding of appt. tomorrow.
- 12-23-16 Continued with taking Lt. Salcido statement.
- 12-27-16 Continued with Lt. Salcido statement.
- 12-28-16 Took Off. G. Sanchez statement. Continued with Lt. Salcido statement.
- 12-29-16 Attached Sanchez statement and R&R to case. Attached Salcido R&R to case. Continued with Lt. Salcido statement.
- Sgt. Valles advised the deadline for the incident on 7-23-16 is the second week of January and this incident only will be needed for his review by Jan. 6th, 2016.
- Sgt. Ramirez was emailed to cancel his appointment for Saturday. A statement was sent via email with rights and responsibilities to Sgt. Ramirez to complete and return.
- Sgt. Lujan was sent an email reference his appointment date of Jan. 4th, 2017 at 800hrs.
- Off. Elizalde was sent an email reference her appointment date of Jan. 5th, 2017 at 830hrs.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

12/10/18 C1722

D Nathan

- 1-3-17 Received the statement and R&R from Sgt. Ramirez and it was attached to the case.
- Took audio of Lt. Salcido clarification statement and attached to case. Scanned statement into case.
- Attached audio from Off. Sanchez statement into case.
- The audios attached to the case are a day ahead and an hour ahead.
- 1-4-17 Took statement from Sgt. Lujan. Scanned statement into case and attached audio. Was provided EDR's by Sgt. Lujan and those were scanned into the case as well.
- 1-5-17 Took statement from Off. Elizalde.
- Called West Texas Community Supervision and Corrections to get names of Probation Officers for Probationers working the carwash on July 23rd, 2016 at MVRCC.
- 1-6-17 Attached Elizalde statement, First Notice and R&R to case. Attached audio to case.
- Called probationers reference the incident on July 23rd, 2016 and left messages if they did not answer.
- Mr. Ricardo Medina (probationer) stated he had heard the discussion between Officer Elizalde and the probationer CW Cavazos. He stated he wanted to think about giving a statement.
- Detective Diaz spoke with David Olivas (probationer) and he remembered the incident, but could not give a statement today.
- Spoke with Lorenzo Prieto (probationer) and he stated he remembered the incident but wanted to be called on Monday 1-9-17 to set up an appointment.
- Spoke with Steven Segura (probationer) who advised he would give a statement on Jan. 9th, 2017 at 1400hrs.
- 1-9-17 Mr. Segura provided the statement and it was attached to the case with the audio.
- Received a call from Lorenzo Prieto (probationer) and called him back and left a voicemail. He returned the call and stated that he would give a statement tomorrow at 1200 at 3100 N. Lee Trevino.
- 1-10-17 Called Mr. Prieto and reminded him of his appointment. He called back at 1130hrs and stated he no longer wished to provide a statement.
- Received a call from Vanessa Ortiz (probationer) who stated she was not in the area close enough to hear the words exchanged between Off. Elizalde and Mr. Cavazos.
- Received a call from Derek Fernandez (probationer) who stated he did not hear the works spoken by the probationer and Off. Elizalde.

SUBMITTED BY:
Detective D. Holguin #1978

PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

Valles, Michael

From: Valles, Michael
Sent: Monday, January 23, 2017 5:54 PM
To: Elizalde, Martina
Cc: Lopez, Steven; Pacillas, Peter; Callan, Jennifer F
Subject: Notice of Disposition: IA16-0475

Officer Elizalde,

This is your formal notice that the above referenced case was reviewed by the Discipline Review Board and a disposition was rendered in the same. Based on the evidence, the disposition is as follows:

Allegation 1. Rules and Regulations (Rule 5, Major Violations – For indecent, profane, or harsh language used in the performance of official duties): Sustained

Based on the evidence, the Discipline Review Board determined that your conduct at issue in this case violated Department policies, procedures, rules and/or regulations. Therefore, you are subject to discipline and such is a 24-hour suspension. We will contact you via email upon your return to work to schedule an appointment to serve you with disciplinary paperwork regarding the listed administrative case.

*Sergeant Mike Valles #1833
Internal Affairs Division
211 N. Florence Ste 205
El Paso, Tx. 79901
915-212-4995*



El Paso Police Department

Mayor
Oscar Leeser

City Council

District 1
Peter Svarzbein

District 2
Jim Tolbert

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michael R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

TO: EPMPOA Representative Randy Rodriguez #1289
FROM: Jennifer F. Callan
Internal Affairs Division
RE: Receipt of Discipline for Administrative Case #IA16-0475
DATE: January 19, 2017

This memo shall serve as documentation that in Officer Martina Elizalde #1817 absence, you have received her discipline (to-wit: suspension of 24-hours) given in reference to administrative case #IA16-0475. Such action is authorized per Article 30, Section 2 of the Articles of Agreement between the City of El Paso, Texas and the El Paso Municipal Police Officers' Association.

Randy Rodriguez

Printed Name Randy Rodriguez
Title: Disciplinary Committee Chairman

01/19/2017
Date

Gregory K. Allen, Chief of Police
Internal Affairs Division | 211 N. Florence, #205 | El Paso, Texas 79901
(915) 212-0157 | www.eppd.org

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

EL PASO POLICE DEPARTMENT

Gregory K. Allen
Chief of Police

VIA HAND DELIVERY

January 18, 2017

Officer Martina Elizalde #1817
Mission Valley Regional Command

RE: NOTICE OF SUSPENSION
IAD Case #: IA16-0475

Officer Elizalde:

Pursuant to my authority as Chief of Police for the El Paso Police Department ("Department"), this is your notice that the Department hereby suspends you for twenty-four (24) hours as a result of your conduct that is the basis of case IA16-0475.

Based on the findings in administrative case IA16-0475, you violated Department and City of El Paso policies, procedures, rules and/or regulations when you engaged in conduct that constituted a major violation by using indecent, profane or harsh language in the performance of your official duties as a police officer when you told probationer Humberto Cavazos "don't you ever do that again you little shit or I will kick your ass" or similar words after he accidentally sprayed water on your patrol unit while washing police vehicles at the Mission Valley Regional Command Center.

The reason(s) for the suspension are outlined as follows:

A. Applicable Policies, Procedures, Rules, Regulations and Administrative Orders

(1) Charter of the City of El Paso, Texas, Sections 6.13-3 (B). (P)

The following, which may be further defined in the Rules, may constitute causes for discharge, suspension or reduction in grade of permanent employees:

- (B) Abusive, threatening, or coercive treatment of another employee or a member of the public, the provocation or instigation of violence, brutality to a City prisoner, or abusive treatment to an animal in the care or control of the employee.

IA16-0475 Elizalde #1817
Notice of Suspension
Page | 1

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

(P) For just cause.

(2) Civil Service Rules, City of El Paso, Texas, Rule 8, Sections (e.). (p.)

The following may constitute causes for discharge, suspension or reduction of regular employees: That an officer or employee in the Civil Service:

(e.) Is wantonly offensive in his conduct or language towards the public, an elected or appointed official, the head of any department, or his fellow employees.

(p.) For just cause.

(3) El Paso Police Department, Procedures Manual

Section 0-401, including but not limited to the following subsections, which state:

0-401. WE RESPECT LIFE. We hold the preservation of life as our sacred duty. Our value of human life sets our priorities.

0-401.05 Employees will be courteous to the public. Employees will be tactful in the performance of their duties, will control emotions and exercise patience and discretion. Employees will not express any prejudice concerning race, color, religion, gender, politics, national origin, lifestyle or similar characteristics.

0-401.06 Employees will not allow their personal convictions, beliefs, prejudices or biases to interfere with the appropriate execution of official acts or decisions.

Section 4-404, including but not limited to the following subsections, which state:

0-404. WE SEEK COMMUNITY PARTNERSHIP. We view the people of our community as partners who deserve our concern, care and attention. We are committed to reducing the fear of crime in our community, and we endeavor to do this by creating partnerships in our neighborhoods.

0-404.03 Employees will recognize that their highest priority is to serve the people of this community.

0-404.06 As police employees are under constant observation by the public, they will present themselves as leaders within the community and always be professional and courteous, both on and off duty.

Section 0-406, including but not limited to the following subsections, which state:

0-406. WE CONDUCT OURSELVES WITH DIGNITY. We recognize that our personal conduct, both on and off duty, is inseparable from the professional reputation of both the Officer and the Department.

0-406.04 Employees, as professionals, will maintain an awareness of those laws, policies, and other factors affecting their responsibilities.

0-406.07 Employees will maintain a level of performance and competence that will keep them abreast of current techniques, concepts, laws and requirements of the profession. Employees will strive for professional excellence.

0-406.08 Employees will strive to set an example for other law enforcement personnel.

(4) El Paso Police Department Procedures Manual Addendum, Rules and Regulations

Rule 1, which states:

Employees, to include sworn and civilian, will familiarize themselves with the Rules and Regulations, Policies and Procedures, Administrative Orders, Special Orders, Memorandums, Civil Service Rules and Regulations, City policies and any other directives or policies issued by the Chief of Police.

Employees, to include sworn and civilian, will also familiarize themselves with the Texas Penal Code, Texas Code of Criminal Procedures, the Family Code, the Dangerous Drugs and Controlled Substance Act, Texas Motor Vehicle Laws, City Municipal Ordinances and any other pertinent material, which deals either directly or indirectly with the performance of the employee's duties.

Rule 4, including but not limited to the following subsection, which states:

Dereliction of Duty on the part of any officer prejudicial to the proper performance of the functions of the Department is cause for disciplinary action.

- (a) Failure to observe and give effect to policies and directives of the Department.

Rule 5, including but not limited to the following subsection, which states:

The following actions constitute major violations and may require a supervisor officer to relieve from duty a subordinate officer:

- (f) For indecent, profane or harsh language used in the performance of official duties.

Rule 27, including but not limited to the following subsections, which state:

Departmental personnel will adhere at all times to the Law Enforcement Code of Ethics below:

- (a) As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidations, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.
- (d) I recognize the badge of my office as a symbol of public faith, and I accept it, as a public trust to be held so long as I am true to the ethics of police service.

B. FACTUAL BACKGROUND

On or about July 23, 2016, you were working in your capacity as a police officer assigned to the Mission Valley Regional Command ("MVRC") when you had an encounter with Humberto Cavazos ("Cavazos"). Cavazos was at MVRC on the day in question washing police vehicles as part of his community service requirements for his probation.

Based on the evidence, you drove a police unit into the car wash area at MVRC and Cavazos sprayed water on the windshield of your unit. You claimed that he "stepped forward and directed the entire spray onto [your] windshield, completely blocking my view (zero visibility)" or similar words. You further claim that Cavazos stopped spraying your vehicle when you stopped and then sprayed it a second time. Each time, you claim that he stopped spraying your windshield when you stopped the marked police unit you were operating at the time in question.

After the second spraying of your windshield in the car wash area at MVRC, you exited the police unit and approached Cavazos. According to your administrative statement, you explained that you "walked up to him and, with a raised voice, [you] told him something about spraying water on a windshield when the car was moving and to wait until the car is parked" or similar words. You claim that you do not recall the exact words used when you addressed Cavazos.

Cavazos, however, stated that you "got out of the car and came rushing towards [him] in a very aggressive manner...[You] raised [your] voice at [him] yelling 'DON'T YOU EVER DO THAT AGAIN YOU LITTLE SHIT OR I WILL KICK YOUR ASS!'" Cavazos believed that you were threatening him during this confrontation based on your angry demeanor and statement to him.

This confrontation was observed and heard by another individual who was also washing police vehicles as part of his community service requirements for his probation. This

IA16-0475 Elizalde #1817

Notice of Suspension

Page | 4

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO:

individual, who did not know Cavazos or you, stated in his sworn statement that you "walked up to the man with the hose and said 'if [you] ever did that again that [you were] going to kick his ass...' then said 'do you understand me?'" This independent witness further explained in his sworn statement that he did not "understand why [you] reacted that way" since this is the normal car washing routine at MVRC. He believed that your actions were wrong.

According to your administrative statement, you did not deny making this statement to Cavazos. However, you claim that you "do not recall the exact words [you] used but [you are] sure the 'f.' word was included (as in 'fucking stupid thing to do')...[You] don't remember saying that, but it is a possibility that [you] did as [you were] upset and angry because [he sprayed] the window like that twice, leaving [you] without visibility while driving, left [you] feeling without control and [you] could have crashed into the fence or another probationer" or similar words. You further stated that "this incident, at that moment, made [you] feel angry but was no big deal to [you] because after [you] had words with the probationer, this incident was out of [your] mind and that may also be why [you] do not recall the exact words [you] said" or similar words.

C. CONCLUSION

You became a commissioned police officer with the City of El Paso Police Department on or about October 11, 1996. At that time, you were given a procedures manual which unequivocally directed all employees to familiarize themselves with the rules and regulations, policies and procedures, administrative orders, special orders, memorandums, Civil Service Rules and Regulations, any other directives or policies issued by the Chief of Police and criminal and civil laws and any other pertinent material which deals either directly or indirectly with the performance of your duties. Said direction has not changed during your employment with the Department and remains in effect today.

Your judgment in confronting Cavazos with indecent, profane or harsh language because he was trying to wash your police unit shows that you have poor judgment and such reflects poorly on your professionalism. Based on the findings of this administrative investigation, there is sufficient evidence that your conduct at issue has violated Department policies, procedures, rules and/or regulations.

For the reasons stated above, your conduct violated:

- a) Section 6.13-3, including but not limited to subsections (B) and (P), Charter of the City of El Paso;
- b) Rule 8, including but not limited to subsections (e.) and (p.), El Paso Civil Services Rules and Regulations;
- c) Section 0-401, including but not limited to subsections 0-401.05 and 0-401.06, El Paso Police Department Procedures Manual;

1A16-0475 Elizalde #1817
Notice of Suspension
Page | 5

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

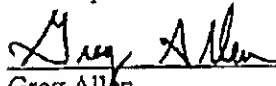
DATE: BY: TO

- d) Section 0-404, including but not limited to subsections 0-404.03 and 0-404.06, El Paso Police Department Procedures Manual;
- e) Section 0-406, including but not limited to subsections 0-406.04, 0-406.07 and 0-406.08, El Paso Police Department Procedures Manual;
- f) Rule 1, El Paso Police Department Procedures Manual Addendum, Rules and Regulations;
- g) Rule 4, including but not limited to subsection (a), El Paso Police Department Procedures Manual Addendum, Rules and Regulations;
- h) Rule 5, including but not limited to subsection (f), El Paso Police Department Procedures Manual Addendum, Rules and Regulations; and
- i) Rule 27, including but not limited to subsections (a) and (d), El Paso Police Department Procedures Manual Addendum, Rules and Regulations.

Your conduct is not considered to be within the policy, practice or custom of the Department. Based on the totality of circumstances, your conduct in this matter warrants discipline. On the basis of the foregoing, the Department hereby suspends you for twenty-four (24) hours for your conduct at issue in 1A16-0475.

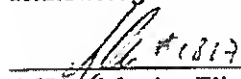
In addition, you are hereby informed that you have a right to appeal this suspension. If you elect to appeal, you have thirty (30) days from the date indicated below to appeal this suspension to the Civil Service Commission or at the election of the Association, to an arbitrator mutually agreed to by the parties.

The Department reserves the right to amend these charges and specifications at any time.



 Greg Allen
 Chief of Police

I acknowledge receipt of this notice of suspension and am aware of my rights to appeal. I also acknowledge receipt of Rule 8. Furthermore, I understand that this acknowledgement in no way is an admission of guilt or liability.



 Officer Martina Elizalde #1817

02/10/2012 / 11:25 AM
 Date

APPENDIX "A"

THIS FORM MUST BE HAND DELIVERED TO YOUR SUPERVISOR, IMMEDIATELY UPON LEAVING THE INTERNAL AFFAIRS OFFICE.

TO: COMMANDER LOPEZ

FROM: INTERNAL AFFAIRS DIVISION

RE: IA CASE # IA16-0475

This form serves to notify you that a disposition has been determined on the above listed administrative case affecting: NAME : Officer M. Elizalde #1817 DISPOSITION: 24 Hour-Suspension.

ATTENTION: Officer M. Elizalde #1817

This is a written direct order that you must serve your suspension as indicated below:

Enter Employees Kronos ID 006688

[To be completed by employee's supervisor(s)] Date of suspension from _____ to _____
Suspension must begin within three weeks of receiving this notice.

If the employee is scheduled to serve the suspension on non-consecutive dates, list those dates and hours below:

Date to return to work: _____ Total hours of suspension to be served: 24 (SUS)

COMPLETE AND ATTACH THE ORIGINAL LEAVE REQUEST FORM TO THIS DOCUMENT
AND / OR

Vacation in Lieu of Suspension

If the employee requests to forfeit vacation time for a suspension period up to 80 hours,

**** COMPLETE AND ATTACH THE ORIGINAL VIS FORM TO THIS DOCUMENT ****

Indicate number of hours to be taken as Vacation in Lieu of (VIS)

TOTAL NUMBER OF HOURS _____ = _____ (SUS) + _____ (VIS)

Employee's Supervisor's Signature _____ Date: _____

This is a written direct order that you **MUST** return this completed form to the Internal Affairs Division Commander no later than: FEB. 17, 2017 or face separate disciplinary action.

Employee's Signature [Signature] IAD Supervisor's Signature [Signature] #1032
Date: 02/10/17 Date: 2/10/17

Date returned to IAD _____ IAD Supervisor signature _____

Distribution: Original – IAD. Copies for City Personnel (HR); PD Payroll; & Personnel file Chief's office
Effective: September 13, 2004

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE: BY: TO



EL PASO POLICE DEPARTMENT

ADMINISTRATIVE STATEMENT – WITNESS/CIVILIAN

COMPLAINANT: Humberto Cavazos
ADDRESS: 14299 Desert Sunset
PHONE: 915-307-1317

This statement is given to: Lt. Salcido #1649
of the El Paso Police Department
By: Humberto Cavazos
Date & Time: 09/24/2016

My name is _____ and I am employed by the El Paso Police Department as a Job Title and have been so since my date of employment _____. I am currently assigned to the Division. I have been ordered to give an Administrative Witness Statement to Rank, full name, ID of the El Paso Police Department and address the following issues:

I, Full name, ID, am under a direct order to disclose any and all information about the case I am being questioned.

Please give a brief summary of what occurred at the listed address, then address the following issues:

My Humberto Cavazos and I am 36 years of age. I am currently living in El Paso for a steady 31 years. I am currently working at Instaff (staffing agency) as a On-site Manager for about 1 year. I have been coming here to the Police station located on Escobar and Zaragoza as part of my probation. I have been doing community service here at this location since 2014. I come here because the officers that deal with us are fair and respectful towards us. The amount of hours that I get every weekend here are sufficient to satisfy my contract with the probation department.

On Saturday July 23, 2016, I was assigned to work the water house during the car wash. I have seen a lot of other people try to get this assignment and they are usually replaced right away by the police officer in charge of the car wash because they do not do a good job. I have been told by the officer in charge, that I do a good job with this task and I am usually assigned, on a weekly basis, to do this task.

During this day, I observed a police car drive into the car wash area. I began spraying water onto the the vehicle as I have been told by Officer Sanchez. I did not see who exactly was driving the

vehicle as I expected him to be the driver. As the police car made its way drove in, the patrol unit sped off "by peeling out". There is usually a lot of people washing the cars and walking within that area. I thought she was very reckless and unsafe in driving in like that.. I don't think she would have been able to stop if anyone would have crossed onto her pathways. I have never seen anyone drive this way which could be very dangerous for anyone of us that are here doing community service. A female officer got out of the car and came rushing towards me in a very aggressive manner. She looked very angry and it looked like she was "going to kick my ass". There was another officer with her that day who was also very surprised at the way she was behaving. She rushed at me and did not look very happy. She raised her voice at me yelling "DON'T YOU EVER DO THAT AGAIN YOU LITTLE SHIT OR I WILL KICK YOUR ASS!". I feel that the female officer shouldn't have threatened me like that. I have been told to spray the patrol vehicles with water in order to get the other people with the soap ready. I asked the officer "what are you talking about? in an attempt to see what I had done wrong. I was not disrespectful towards her and was not trying to challenge her at any time. The female officer they replied "I DON'T GIVE A SHIT AT WHAT YOU HAVE DONE, I AM TELLING YOU WHAT YOU ARE GOING TO BE DOING".

The other officer that was with her looked at me in an apologetic way and did not say anything else. The other people who are also doing community service looked at me and told me not to worry. Some of them said that she was just a "Racist" officer and that she did not care for anyone here.

I was embarrassed by her actions. I am an adult and I take responsibility whenever I make mistakes. I did not make any mistakes at this time and I was just following Officer's Sanchez directions as to spray the vehicles with water. I believe the female officer's threats were aggressive towards me. Her body language, the use of her profanity, the fact that she is wearing a police badge and a gun made me believe that she was going to beat me up. The fact that she did this in front of everyone was uncalled for and unnecessary. I felt belittled during this time. I told officer Sanchez what had happened.

I am a human being and I am here to complete a contract with the probation department. I take pride as to who I am and what I do. I give 100% effort when I come here because I want to complete my hours and finish this assignment. I am an onsite manager and I also supervise about 120 employees. Whenever there is a mistake by one of the employees, whether intentional or accidental, discipline actions and processes are followed. I do not threaten anyone or use my supervisory authority to yell, belittle or hurt anyone who has committed a mistake. I would like something done about this because it would only be fair for me and hopefully will prevent this from happening to anyone else.

1. Do you have any other information to add that may not have been covered by questions during the interview that is relevant or important to this investigation?
NO
2. Please identify any other persons who might have information relative to this investigation?

Officer G. Sanchez #2278, Officer J. Minjarez #1505 and other people that were doing community service hours that day.

Should you remember any relevant information, you are ordered to immediately notify the investigating supervisor and provide them with the information. If it is after hours, then no later than the next working day, to the investigating supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. Rank, Last Name GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANG ANYTHING.

Subscribed and sworn to before me, the undersigned authority, on this 24 day of September, 2016.

NOTARY PUBLIC STATE OF TEXAS

Witnesses:



7A16-0475



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT - WITNESS

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, El Paso, 79903
PHONE: 915-212-4000

This statement is given voluntarily to: Detective D. Holguin #1978
of the El Paso Police Department Internal Affairs Division

By: Steven Segura
D.O.B. [REDACTED]
Address: 8112 Burnham, El Paso, Tx 79907
SSN: [REDACTED]
Drivers License: [REDACTED]
Phone: 915-593-6113
Date/Time: 1-9-17/1415hrs

My name is Steven Segura and I am 37 years of age. I am currently employed at the Edge Of Texas Steakhouse at 8690 Edge of Texas and have been so for the past 5 years. I am giving this statement voluntarily to Detective D. Holguin #1978. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

On July 23rd, 2016 I was at sweeping at the entrance to the station in the back area. There was another man that was working and he was holding the water hose. He would spray the police cars automatically and then the police cars would stop. The car stopped and backed up a couple of feet. At that point the man with the water hose turned around and walked back. The driver door opens and a female gets out of the car. She was wearing a police uniform. A male officer stayed in the car. The female officer was a white female light hair that was short to her neck and contained. The female was walking fast and the water hit her boots and she gave me a dirty look, like a mad dog look. She walked past me fast towards the man that had sprayed down her car. She walked up to the man with the hose and said "if he ever did that again that she was going to kick his ass." She was right in his face. She then said "do you understand me?". The guy said "what did I do?". She said "you know what you did. You sprayed my windshield while I was driving in from the gates." He didn't reply and looked at her. She turned around and walked back to her car. She got in her car and drove into the parking lot, and she peeled out a little bit and parked her car. At point both her and male officer got out of the car and went into the building. She didn't lose control of the car at all. The Police car front fender said supervisor. I assumed she was a supervisor since she was driving a supervisor car.

This is the normal routine every Saturday and everyone knows what we do. I don't understand why she reacted that way. I think it was wrong for her to do that to us, the probationers. I think she should have talked to our commanding officer. I use that name for the police officer in charge

Complaint Statement
OH1978

Page 1 of 2

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE BY TO

ATTORNEY 415

of the car wash, but I don't know his name. I look up to police officers. I would not feel threatened by her in uniform, but it would have been different if she had taken a swing. I never heard the man with the water hose say anything about being afraid or feeling threatened.

1. Can you identify any other persons who might have information relative to this investigation? No I don't.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

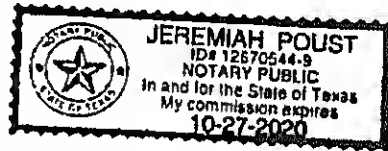
Steven Segura

Subscribed and sworn to before me, the undersigned authority, on this 9th day of JANUARY, 2017.

245/
NOTARY PUBLIC STATE OF TEXAS

Witness(s):

1. _____
2. _____





**EI PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, EP, TX 79903
PHONE: 915-212-4000

This statement is given to: Detective D. Holguin 1978
of the El Paso Police Department Internal Affairs Division
by: Off. P. Portillo #1332
Date & Time: 12-12-16 1100hrs

My name is Paul Portillo and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 06-30-1989. I am currently assigned to the MVRCC. I have been informed that I am a witness in this administrative case. I understand and acknowledge, as indicated by my signature on this statement, the following:

- (a) Department policies, procedures, rules and/or regulations require that all employees will cooperate fully with the Internal Affairs Division during an administrative investigation.
- (b) Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, my status as a witness will change and I will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I am providing the following administrative witness statement to Detective D. Holguin 1978 the El Paso Police Department Internal Affairs Division; on or about November 11th, 2016 a Blue Team Report was generated on multiple incidents one of which was an incident involving you and Off. M. Elizalde #1817. The incident occurred on 7-29-16 where you wrote a memo regarding Off. Elizalde's performance at work. You later requested to rescind your memo. Sgt. Lujan stated he would have to speak to Lt. Salcido about rescinding the memo. Please answer the following questions.

1. On or about July 29, 2016, you provided a memorandum to Sgt. Lujan requesting not to work/patrol with Officer Martina Elizalde. A copy of that memo has been provided to you to review today before answering the questions below. Did you review said memo? Yes I did.

DH 1978

Page 1 of 5

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

- a. Were you instructed to draft this memo by a supervisor or did you do it on your own accord? I spoke to Sgt. Lujan and Lt. Salcido. They both advised me to put it in writing/memo form so I wrote the memo.
 - b. The memo is written in the third person. Did you have assistance in writing this memo from another officer? No.
 - c. How long have you worked as Officer Elizalde's partner? We are not partners. We work with different Officers on a daily basis or solo. I was not partners with her on July 29th, 2016. I have worked with her paired up in the unit in the past.
 - d. Have you had problems and/or issues with her in the past? No not really. With police work, no.
 - e. How were the past problems and/or issues addressed? I did not have any issues with her.
2. In your July 29th, 2016 memo, you stated that "it has come to my attention that Officer Elizalde is willing to not tell the truth when assisting Officers out in the field"...Officers arrived and saw Officer Elizalde interviewing the offender outside the house. Officer Elizalde did not make contact with the Officers...Since Officer Elizalde was interviewing the offender, Officer Portillo asked Officer Elizalde if she was going to handle the case and go and speak with the victim Officer Elizalde stated "Nope" and stood by...Officers thought Officer Elizalde was going to speak with the victim but did not."
- a. Did you have any other conversations with Officer Elizalde at the scene when investigating EPPD #16-198065? No conversations.
 - b. If Officer Elizalde told you "nope" she was not going to speak to the victim, explain the basis for your statement that you "thought Officer Elizalde was going to speak with the victim but did not." Nothing was said there while she interviewing or after. She just left and got in the car. I thought she got in the car to go speak with the Victim. I was surprised she did not. I heard her on the radio put herself 10-8 assisted and she put herself enroute to the Valley Station. The only word Martina said was "Nope" at the scene when responding to my question then she left.
 - c. Do you know if Officer Elizalde spoke to the victim prior to your arrival? She did not speak with the Victim prior to my arrival, because she was at the Offender's house. The offender's address was put out on the radio. The Victim was at a different address.
3. In your July 29, 2016 memo, you stated that you "[understood] Officer Elizalde spoke to Sgt. S. Bentley. Officer Elizalde told Sgt. Bentley that she told Officers Portillo and Chavez that she was okay being alone with the offender and to go and speak with the victim." Describe the basis for this understanding. She never said that. She did not have a conversation with us. She was by herself with

DH 1978

Page 2 of 5

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722 D Nathan

the suspect. We went to the offender's address as back up to make sure she was ok.

- a. Did Sgt. Bentley approach you about how the call at issue in EPPD #16-198065 was handled? Sgt. Bentley did not ask us about the criminal case. We handled it. What was discussed is Martina's participation at the scene and how she didn't really do anything. Sgt. Bentley told me it was a miscommunication between officers.
 - b. How did you know that "Officer Elizalde spoke to Sgt. Bentley?" Explain in detail. After we arrived at the station with the arrestee, I went to speak with Sgt. Bentley and I told him about what happened. He told me he had already spoken with Martina. He then heard my side of the story.
 - c. When did you notify Sgt. Bentley of Officer Elizalde's conduct in regards to the call that is the basis of EPPD #16-198065? That same day, July 29th.
 - d. When you spoke with Sgt. Bentley, did you tell him that you asked Officer Elizalde if she was going to handle the case and go on and speak with the victim when Officer Elizalde stated "nope" and then left the scene? Yes I did tell him and that is how she responded. That is the only conversation we had, which I initiated by asking her.
 - e. Did you tell Sgt. Bentley that you and Officer Chavez had to complete the investigation that is the basis of EPPD #16-198065? Yes I told him we handled the call. Mc and Robert Chavez #2297 handled the call, the report and arrest.
4. If you spoke to Sgt. Bentley about Officer Elizalde's conduct during the investigation that is the basis of EPPD #16-198065, why did you write the July 29, 2016 memo to Sgt. Lujan? I spoke to Sgt. Lujan and Lt. Saleido after speaking with Sgt. Bentley, not the same day. Lt. Saleido stated that if I wanted anything done it had to be in writing. I was asked by Lt. Saleido to do the memo, but I believe Sgt. Lujan asked me as well.
5. Do you believe that Officer Elizalde did not communicate what she was going to do with regards to the investigation that is the basis of EPPD #16-198065? She did not communicate, period. She just left without saying anything.
6. Did you approach Officer Elizalde after she left the scene to discuss her conduct with regards to the investigation that is the basis of EPPD #16-198065? If not, why? No I did not. I don't speak to her. She is a terrible person, meaning hard to converse with when she is upset or for unknown reasons suddenly does not talk to anyone and very antisocial. She told me once that she came to work not to make friends. Doesn't get along with officers. As for me I would just rather not speak to or look her way. I was paired up with her after this incident. We did not speak to each other, we just did our jobs as Police Officers for the day.
7. How many times have you completed an investigation for other officers? That I can recall none. Everyone handles their own calls. It's based on circumstances.

Instead of just saying "Nope" she could have said "You got dispatched" and for us to handle but she didn't.

8. Were you upset with Officer Elizalde on or about July 29, 2016 because you had to complete the investigation that is the basis of EPPD #16-198065? Not at all. I was not mad. I was surprised that she did that there, after she spoke with the suspect. We were working and we have a job to do. Did I like what she did? No, I did not like it but we are Police Officers and are expected to do the job.
9. Why did you decide to rescind your memo? Good question. It has to do with Sgt. Lujan. Sometime after that he Blue Teamed me and J. Minjares #1505 when we were full crew. We went to go try to clear for lunch after handling an accident and he (Lujan) asked me to call him on the phone. We were at Americas and Alameda. We drove to North loop and Zaragoza to clear for lunch. He said he was looking for us at the scene and could not find us. He asked us why we didn't go 10-8 right after handling the accident. I told him I was still working on the log sheet and by the time I was done we were at the Wingstop restaurant. He was accusing us of not going 10-8 right after handling the accident. There were no calls pending, full crew unit 1F184 were waiting for us at Wingstop. He said when Martina does things wrong we want something done about it but when we do the same thing we do not want anything done. I was upset because what he said was not true. Sgt. Lujan stated what if there were units wanting to go to lunch or calls going out, the other Officers could not clear for lunch because we had not gone 10-8. That was not the case. I felt he was getting back at me for saying something about Martina. After that, I just thought I am going to zip it up and keep quiet, because that's what we do. That's why I asked for my memo back.
10. What is your claim of misconduct against Officer Elizalde? Explain. Well, no communication and she will not assist us, even though she was interviewing this guy on this criminal case. She did not go and speak with the Victim, since she already had spoken with the Offender. Whether she handled or not we are suppose to be a team and could've done it together. We could have kept the suspect there while she met with the Victim. Responded differently and assist us on the call, not just go 10-8 enroute to the station.
11. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation? Me and Robert Chavez were dispatched to the family violence call and Martina called out assisting us because she was close to the suspects house. So instead of us going to the Victim's house we went to the Offender's home to back her up and make sure she was ok as she was by herself.
12. Please identify any other persons who might have information relative to this investigation? Off. R. Chavez #2297, Sgt. Bentley, Sgt. Lujan and Sgt. Salcido.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

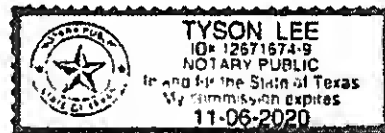
I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE Holguin #1978_GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Pafford #1372

Subscribed and sworn to before me, the undersigned authority, on this 12th day of December, 2016.

[Signature]
NOTARY PUBLIC STATE OF TEXAS

Witnesses:



DH 1978

Page 5 of 5

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



1A16-0475

**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

**COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, EP, TX 79903
PHONE: 915-212-4000**

**This statement is given to: Detective D. Holguin 1978
of the El Paso Police Department Internal Affairs Division
by: Off. P. Portillo #1332
Date & Time: 12-19-16 /1100hrs**

My name is Paul Portillo and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 06-30-1989. I am currently assigned to the MVRCC. I have been informed that I am a witness in this administrative case. I understand and acknowledge, as indicated by my signature on this statement, the following:

- (a) Department policies, procedures, rules and/or regulations require that all employees will cooperate fully with the Internal Affairs Division during an administrative investigation.
- (b) Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, my status as a witness will change and I will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I am providing the following administrative witness statement to Detective D. Holguin 1978 the El Paso Police Department Internal Affairs Division; this statement is a clarification statement due to the Investigating Detective Holguin 1978 placing the wrong date on the first statement provided by Off. Portillo. The memo Off. Portillo wrote was on July 29th, 2016, but it was regarding an incident on July 16th, 2016. The logsheet for July 16th and for July 29th was not obtained before the first statement was provided by you.

On or about November 11th, 2016 a Blue Team Report was generated on multiple incidents one of which was an incident involving you and Off. M. Elizalde #1817. The incident occurred on 7-16-16 but you wrote a memo regarding Off. Elizalde's performance at work On July 29th, 2016. You later requested to rescind your memo. Please answer the following questions.

DH1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

1. On your first statement you were given the question: How long have you worked as Officer Elizalde's partner? And you answered this question with: We are not partners. I was not partners with her on July 29th, 2016. I have worked with her paired up in the unit in the past. Upon obtaining the logsheet for July 29th, 2016, it was determined you were partners with Martina Elizalde that day. You have been given the logsheets from July 16th and July 29th, 2016 to review, which you were not given before your first statement. Now that you have reviewed the logsheets, do you stand by your first statement? Please explain.

No I do not. It turns out that I did work with Officer Elizalde on 07-29-2016. The incident occurred on 07-16-2016. Most of us work as a solo unit. Sometimes we are paired up. We are paired up with different Officers most of the time.

2. Since you were partners with Officer Elizalde on July 29th, 2016, what prompted you to write the memo that day instead of July 16th, 2016, when the incident occurred where you stated "it has come to my attention that Officer Elizalde is willing to not tell the truth when assisting Officers out in the field" in reference to case #16-198065?

On 07-29-2016, I went to my supervisors to let them know that I would prefer not to work with Officer Elizalde as we were paired up for the day. That is when the conversation about Officer Elizalde's performance on 07-16-2016 came up. I was advised by Lt. Saleido that they would need something in writing in order for something to be done about Officer Elizalde's performance on 07-16-2016. I was asked to give a memo about the incident. Officer Elizalde and myself worked full crew on 07-29-2016.

- a. Did the supervisors say why you still had to work with her even though you had submitted a memo stating you did not want to work with her?

No they did not say anything. You just do what is asked of you.

- b. How did you feel having to work with Off. Elizalde after submitting the memo. I would have preferred not to work with her. We did not speak to each other all day and just did our jobs as Police Officers.

You stated Lt. Saleido and Sgt. Lujan had a discussion with you and advised you to put your concerns in a memo. What day did this occur, more or less?

On July 29th.

Was the memo provided at the beginning or the ending of your shift?

Yes, the memo was provided at the beginning of the shift.

DH1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

- c. Did a supervisor approach you about any issue regarding Off. Elizalde at the beginning of your shift, or did you approach the supervisors?

I approached the supervisors.

3. Did anything occur on July 29th, 2016 when you were partners with Off. Elizalde that Off. Elizalde did or did not do that caused you to write the memo?

Nothing occurred. We worked the shift by doing our jobs.

4. On your first statement when asked question 3. c. "When did you notify Sgt. Bentley of Officer Elizalde's conduct in regards to the call that is the basis of EPPD #16-198065?" You answered "That same day, July 29th". "Do you stand by your original answer in the first statement? Explain.

No I do not. I advised Sgt. Bentley of Officer Elizalde's conduct on 07-16-2016, the same day the incident occurred.

5. When did you notify Sgt. Bentley of Officer Elizalde's conduct in regards to the July 16th, 2016 report 16-198065?

I advised Sgt. Bentley on 07-16-2016.

6. Did Sgt. Bentley advise you that he would speak with Officer Elizalde on July 16th, 2016?

Sgt. Bentley advised me that he had already spoken to Officer Elizalde on 07-16-2016.

- a. When did he advise you that he had spoken with Off. Elizalde?

On 07-16-2016.

- b. Did Sgt. Bentley advise you of the outcome of his discussion with Off. Elizalde? Explain.

Yes, he did. Sgt. Bentley determined and advised me that it was Officers miscommunication and that we needed to communicate better.

- c. Did any supervisor advise you the incident with Off. Elizalde was documented?

I do not remember if a supervisor advised me if the incident was documented.

- d. Did Sgt. Bentley ever advise you that he was going to document the incident?

DH1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

I do not remember.

7. Is there any relevant information that you have that will assist in this case, that was not covered by the above questions?

I do not have any more information.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

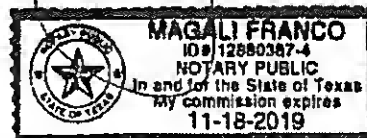
I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE Holguin #1978 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Paul Portillo #1332

Subscribed and sworn to before me, the undersigned authority, on this 19th day of December, 2016.

[Signature]
NOTARY PUBLIC STATE OF TEXAS

Witnesses:



DH1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



**EI PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, EP, TX 79903
PHONE: 915-212-4000

This statement is given to: Detective D. Holguin 1978
of the El Paso Police Department Internal Affairs Division
by: Sgt. S. Bentley #2118
Date & Time: 12-16-16 900hrs

My name is Steffan Bentley and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of Sept. 1st, 2000. I am currently assigned to the MVRCC. I have been informed that I am a witness in this administrative case. I understand and acknowledge, as indicated by my signature on this statement, the following:

- (a) Department policies, procedures, rules and/or regulations require that all employees will cooperate fully with the Internal Affairs Division during an administrative investigation.
- (b) Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, my status as a witness will change and I will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I am providing the following administrative witness statement to Detective D. Holguin 1978 the El Paso Police Department Internal Affairs Division; on or about November 11th, 2016 Sgt. Lujan generated a Blue Team Report on incidents involving Off. M. Elizalde #1817. The incidents in question were listed as a "violation of policy and as defined by Administrative Policies and Procedures Section I and Section II Subsections A, B, D, H, and J." as per Lt. Salcido in the Blue Team Report. Please answer the below listed questions.

1. Were you provided a copy of the Blue Team Report generated by Sgt. Lujan, prior to answering the questions? Yes.
2. The Blue Team mentions that on July 23rd, 2016 an incident happened where Off. Elizalde "threatened to assault a probationer" by saying "don't you ever

DH 1978

Page 1 of 7

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

fucking do that again or I am going to kick your fucking ass". The Blue Team states you documented the incident in the "employee's personal personnel" file as per Sgt. Lujan. It was noted in the Blue Team you keep the documentation "separately from the personnel file" as per Sgt. Lujan. Please explain what that means and why you do that. I do not keep any documented incidents separately. I keep notes for myself regarding issues that I am involved with, and issues with my own Officers. I had learned about this style from a Management class put on by the EPPD for all supervisors at the Academy back in April or May of 2016. This class was mandatory for all Sergeants. In this class the instructors advised how to reduce liability issues is by keeping notes that will refresh your mind on conversations you've had with officers, under performance, conduct and attendance titles. So, I have a folder on my desktop with notes I have place on Microsoft Word and emails (from any supervisor pertaining to the listed Officers) where issues were addressed with officers. I use the notes with the intent of being able to review the notes for future performance documentation in case evaluations are to be brought back in the future. I also use them to refresh my memory in case the same incident occurs with the same officer or another officer. I refer to the notes to handle the incident in the same way with each officer.

3. Did you document the incident with Off. Elizalde into your notes? I do want to mention that I did not put the incident that happened on July 23rd with Off. Elizalde into my notes as I didn't feel it warranted any follow-up.

I have provided a copy of the Word Doc I have for my notes that states why I have notes from May 23rd, 2016.

- a. Did you in fact document the issue of the threat to the probationer? No. I did not. If not, why not? Explain. On the day of the event I did not document it. Lt. Salcido On Aug. 9th brought up the issue about Off. Elizalde and the probationer to me and asked me to explain. Sgt. Lujan was present and I thought this was odd because it was his day off. I explained the incident. I told him that on July 23rd I went to Off. Elizalde and spoke with her about the incident. I addressed the issue immediately on the 23rd of July. Lt. Salcido told me that he was not there and he supported how I handled the incident. I took that as being he was ok with how the incident was handled. He did not offer any guidance or direction that he wished to pursue otherwise. There was no mention of hostile work environment. He did not say he was angry at any point. I told him I did not feel that the incident needed to be documented. Lt. Salcido did not say I needed to document it in Blue Team or Employee Discussion Form. I do want to mention that prior to the Lt. speaking with me I was approached by Off. G. Sanchez on August 6th and he told me Sgt. Lujan was asking him questions about the incident, this was on July 30th. Sgt Lujan was wanting to know how the incident happened and asked Off. Sanchez if I had written up Off. Elizalde. Off. Sanchez said he was confused and concerned as to why Sgt. Lujan was asking him these questions about how I handled the situation. Also in the 6th, Lujan actually came up to me, not knowing I had already spoken to Off. Sanchez, and said that the Lt. Was angry

as to how I handled the incident with Off. Elizalde and that the Lt. was going to speak with me on the matter. I thought that was extremely odd that the Lt. would be angry with me when it hadn't been addressed with me yet.

- b. **Who notified you about the incident with Off. Elizalde?** Off. G. Sanchez who was working the carwash outside, called me at my desk and told me that the probationer had told him that Off. Elizalde had threatened to kick his ass and cussed at him. I told him I would go outside. On the way outside I ran into Off. Elizalde and spoke with her.
 - c. **What did Off. Elizalde tell you when you asked her about the issue with the probationer?** She told me that when she pulled into the carwash this guy sprayed her windshield not once but twice and she hit the accelerator and peeled off. She said the "Dumbfuck sprayed the windshield". She said she got out of her car and said "what the fuck are you doing. Don't do that." And something to the effect of she was going to "kick his ass." I asked her why she peeled out and she said "I think I got scared. That's what upset me is that I could have hit someone or crashed the car." I think she reacted to being sprayed on the windshield. She was highly upset. It startled her. I told her not to yell at the guys and I would address the issue of spraying the vehicle's as soon as the car drives in.
 - d. **Did you meet with the probationer or Off. G. Sanchez to address the issue?** I did speak with Off. Sanchez and I told him I had talked to Off. Elizalde. I asked to modify the carwash so that the spray was not done to the cars as they drove in. I also asked him to speak with the probationer and see if he wanted to speak with me. I also told him to tell the Probationer I spoke with Off. Elizalde.
 - e. **Did Off. Sanchez address the issue with the probationer?** Off. Sanchez said the probationer told him he was ok with what happened and wanted to know if he had done something wrong as he did not want to lose his work probation hours at the MVRCC. I told him to tell the probationer that if he did not want to complain then the issue was done and he would not lose his work probation spot at MVRCC.
 - f. **Did you speak with Off. Sanchez after the carwash?** Yes. After the carwash Off. Sanchez told me that the probationer was happy with how they modified the car wash.
 - g. **Did Off. Sanchez tell you the probationer didn't want to file a complaint?** Yes, he told me did not want to complain.
4. **Did you have knowledge of the memo that Off. Portillo had submitted on July 29th, 2016 when he worked full crew with Off. Elizalde, regarding an incident with Off. Elizalde that happened on July 16th?** I did not have knowledge of this memo being drafted and written to Sgt. Lujan until around Aug. 6th, when I returned

DH 1978

Page 3 of 7
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

from Vacation. However, I did know about the incident that happened on July 16th with Off. Elizalde.

- a. Were you working on the 16th of July? Yes, I was working. If so, how was the issue of the call at 138 Borunda ref case 16-198065 brought to your attention and when? I heard the call go out and I heard a full crew go to the call and Off. Elizalde called out assisting. On the same day of July 16th Off. Elizalde approached me stating she was upset with how Off. Portillo and Chavez handled this call ref case 16-198065. I asked her why she felt that way. She said they tried to dump the call on her. I told her I heard the radio and she called out assisting them by checking one. She said when Portillo and Chavez showed up they came to her scene where she was out with the subject who was sitting down in front of his mother. I asked her what the problem was. She stated she asked them what the Victim said and they said they had not spoken to the Victim. She said Off. Portillo told her something like "why don't you go talk to the victim." Off. Elizalde expressed that she thought the other officers should have handled the call, but she did not express that to the Officers. I asked her what she said and she said "nope" and then she left.
- b. At that point what did you do regarding the call? I checked CAD to see if the call was being handled and it was as Off. Chavez and Portillo were enroute to the station 10-15 1x. At that point I was going to address the issue with Officers Portillo and Chavez and when they arrived at the station.
- c. Did Off. Elizalde tell you that she told Officer Portillo she was "okay being alone with the offender and to go and speak with the Victim" or similar words, regarding the case 16-198065? Officer Elizalde told me she was "okay being alone with the offender and that she wants Portillo to go and speak with the Victim". But I asked her if she relayed that information to Officers Portillo and Chavez and she said no.
- d. When you spoke with Off. Portillo and Chavez at the station, what did they say happened on the call at Borunda? I spoke with Off. Portillo and he told me he had gone to the call where officer Elizalde was for officer safety. I asked him if he asked her if she needed any assistance or help, and he said no. I told him that he should have communicated with Officer Elizalde on what she needed. I told both Officer Portillo and Officer Elizalde that the problem was, there was no communication. I asked Officer Chavez why he didn't go to the victim's residence and he said because Paul is Paul and Martina is Martina, they are going to do what they want. I told him he should have communicated. I believed the issue was a communication issue between officers, not hostility. All parties were to blame for lack of communication.

DH 1978

Page 4 of 7

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

- c. Were you aware that Off. Portillo had asked to rescind the memo and if so, how did you become aware of this? About Aug 6th I was told by Lt. Salcido to speak with Portillo about the incident he referred to in his memo that he submitted to Sgt. Lujan and why he felt the way he did. I was told by Salcido that Portillo wanted to rescind his memo. He wanted me to address the issue of the incident at Borunda since it was over, yet Portillo expressed a problem with the incident in his memo.
 - f. Did you discuss the rescinded memo with Off. Portillo? I did not discuss the matter of rescinding the memo with Off. Portillo but I did address the issue of the call handled on Borunda. Off. Portillo told me he wanted the memo rescinded but he didn't say why.
 - g. Why didn't you address the memo being rescinded? Off. Portillo was asked to provide the memo by Sgt Lujan so I didn't ask him why he wanted to rescind the memo because I was only addressing the issue at Borunda and not the memo itself since he wrote it to Lujan. I told him to get with Sgt. Lujan.
5. According to the Blue Team, on 11-5-16 you issued Off. Elizalde an Employee Performance Record which was drafted by Lt. Salcido. What is an EPR? It's not an EPR. It's an EDR, Employee Discussion Record. I gave Off. Elizalde the EDR that was drafted by Lt. Salcido as she was my employee.
- a. What happened when you provided her with the EDR? I needed to get her to sign it and then I would sign it and the Lt. had already signed it. Sgt. Lujan was present. I read the EDR to her and she said something like "Fuck. Handcuffs are not considered a weapon.
 - b. If Off. Elizalde did say "I don't give a fuck; handcuffs have never been deadly weapons" or "fuck, handcuffs are not considered a weapon" or something to that effect, did you believe it to be "another display of unreasonable anger in the work place" as stated in the Blue Team by Sgt. Lujan? No I believed the Officer was venting which is common when they get an EDR or any counseling.
 1. And, did you address the issue with Off. Elizalde? I did not address the issue with Off. Elizalde any further. She signed the EDR.
 - c. Did Sgt. Lujan ever speak with you about how Off. Elizalde responded to receiving the EDR? No he did not. If he had an issue with it he was with me and could have said something to Off. Elizalde, but he did not. If he addressed it in the Blue Team. It was not discussed with me.
6. Based on the information above on July 16th, July 23rd and November 5th, 2016, do you believe that Off. Elizalde acted unprofessionally in her conduct? I believe

DH 1978

Page 5 of 7
 PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

each incident was handled correctly and she was marginal unprofessional. I believe I addressed the incidents were handled correctly by me. I addressed it with the Lt. and at no point did the Lt. say to further investigate any of the issues any differently than I had. No direction was him was advised.

- a. Was Off. Elizalde hostile in her conduct? No she was not.
- b. Was Off. Elizalde derelict in any way? No she was not.

7. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation? I do want to add that today in shift meeting the Lt. was discussing a new procedure regarding calls. Regional boundaries will no longer apply for dispatched calls. Commutations is going to use AVL to dispatch vehicles and will dispatch the nearest vehicle even if the unit is from another region. The Lt. stated he is protective over his people. The Lt. stated he was concerned with other supervisors writing up his officers for no reason. He stated to the officers and the supervisors in the meeting that not everything needed to be documented. After shift meeting, he was speaking with the supervisors me and Sgt. Ramirez and he made a statement that he will back us up on all our decisions. It should be noted he had also told me within the last few months that he doesn't care if a supervisor makes a good or bad decision as long as you make a decision, being a supervisor. And this happened before all these incidents. This is how he wanted us to make decisions.

8. Please identify any other persons who might have information relative to this investigation? Sgt. Ramirez heard what the Lt. said in shift meeting today. Off. Portillo, Off. G. Sanchez, Off. Minjare who Martina's partner the day of the car wash. On the blue Team I noticed that Sgt. Lujan mentions an incident from 9-14-16 where he asked Off. Elizalde if she was taking the Detective's test. There were other Officers that witnessed that shift meeting. I think they would know her demeanor.

- a. Can you provide names of the officers that were there in shift meeting? I don't know the schedule for that day. I did ask Martina if she was taking the test and she stated she was uncomfortable taking the test as she hadn't studied and she was uncomfortable being questioned about taking the test. She stated she took the books with her on her vacation, but did not study.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. **FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.**

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE Holguin #1978_GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

DH 1978

Page 6 of 7
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO:

12/10/18 C1722

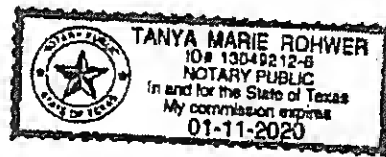
D Nathan

Jeff B. B.

Subscribed and sworn to before me, the undersigned authority, on this 16th day of
Dec, 2016.

Tanya Rohwer
NOTARY PUBLIC STATE OF TEXAS

Witnesses:



DH 1978

Page 7 of 7

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY TO

12/10/18 C1722

D Nathan



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, EP, TX 79903
PHONE: 915-212-4000

This statement is given to: Detective D. Holguin 1978
of the El Paso Police Department Internal Affairs Division
by: Sgt. L. Lujan #1390
Date & Time: 1-4-17 0800hrs

My name is Lawrence Lujan and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 10-5-1990. I am currently assigned to the MVRCC. I have been informed that I am a witness in this administrative case. I understand and acknowledge, as indicated by my signature on this statement, the following:

- (a) Department policies, procedures, rules and/or regulations require that all employees will cooperate fully with the Internal Affairs Division during an administrative investigation.
- (b) Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, my status as a witness will change and I will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I am providing the following administrative witness statement to Detective D. Holguin 1978, the El Paso Police Department Internal Affairs Division; on or about November 11th, 2016 you generated a Blue Team Report on incidents involving Off. M. Elizalde #1817. The incidents in question were according to you a "violation of policy and as defined by Administrative Policies and Procedures Section I and Section II Subsections A, B, D, H, and J." as per the Blue Team Report. Please answer the below listed questions.

1. Have you been allowed to view the Blue Team report, the daily schedules, the memo from Off. Portillo to include the rescinded memo, and the EPR given to Off. Elizalde?

Yes

DH 1978

Page 1 of 10

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

2. In reference to the Blue Team Report, do you stand by your comments in the report?

Yes

3. In the Blue Team you wrote, On 9-14-16 you stated Off. M. Elizalde was unprofessional and hostile. Explain.

On the date in question Officers of the day shift that were going to take the Detectives exam (including Officer Elizalde) were asked if they would be taking the exam on duty. The question was asked of all of them in order to account for employee staffing in the date of the exam. All employees were asked if they were going to take the test and all responded with the exception of Officer Elizalde. I asked Officer Elizalde multiple times if should would be taking the exam, and she became upset and responded in a manner that was hostile, unprofessional and discourteous.

a. Why did you think Off. Elizalde was "intentionally ignoring both me and the question" as stated in the Blue Team?

I specifically asked her by name "Marii" will you be taking the exam the first time, then the second time in case she had not heard me and by the third time, even though I was sitting next to her and looking and directing the question to her, it was clear that she was just choosing not to respond.

h. Has Off. Elizalde ignored you in the past when you have asked her a question?

Yes, requiring that I ask her the question more than once. This has occurred when asking for feedback from shift training or when asked specifics about an incident during shift meeting.

c. Why did you feel it was necessary to ask Off. Elizalde four times when you did not get a response the first time?

To get a response to the fair question that was being asked.

d. Why did you not address the question after the shift meeting instead of during the shift meeting?

Officer Elizalde had made it clearly known to me and the shift that she would be taking the detectives test, so the question was posed to not only her but to the other officers at the shift meeting who had stated that the would also be taking the exam. That was the reason for asking the question then, there had been no demonstration or comments from Officer Elizalde, that she did not want others to know that she was taking the exam.

e. Do you know if any supervisor, to include yourself ever asked Officer Elizalde why she did not respond? If you or another supervisor spoke with her about this, what was said?

No I do not.

DH 1978

Page 2 of 10

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

12/10/18 C1722

D Nathan

- f. Off. Elizalde "became angry, making a facial scowl, shrugging her shoulders and not providing a verbal response". Did you believe the conduct was unprofessional and/or disrespectful, and if so, how?

This conduct was unprofessional and discourteous. We are expected to be professional and courteous in our conduct. Being rude and reacting with anger to a reasonable question demonstrates this.

- g. In the Blue Team you wrote, Officer Elizalde responded with "unreasonable anger saying I don't know" and "her gestures and response on that date were intimidating and hostile". How was her response unreasonable and how were her gestures and response intimidating and hostile. Explain.

When the question was made to Officer Elizalde, she was staring straight down and ahead, her face changed color to red (not in embarrassment, but in anger) and then she turned her head and face towards me where it was visually clear that she was upset, clenching her lips together, scowling, and shrugged her shoulders. She then said "I don't know."

Her response was clearly hostile (that is an unreasonable anger or antagonism) as defined by the city HR Policy on violence in the workplace; her visible anger and facial scowl was also intimidating.

- h. Also, you wrote Off. Elizalde "caused an immediate reaction by the shift. What kind of reaction?

When Officer Elizalde turned to face me and provided her response, I could see from the corner of my officer two officers shaking their head disapprovingly of her actions. I did not see exactly the officers were as I was focused on Officer Elizalde. In addition, there was a sudden silence to the shift.

- i. Did any Officer approach you about what transpired in the shift room when this encounter happened with Officer Elizalde? If so, what was said?

Not that I recall

- j. Why was the incident not documented until Nov. 11th, 2016?

I initially documented the incident in an EDR on 9-21-16 and provided it to the Lt., but was directed to not address it until I returned from leave. I did not provide it to Off. Elizalde. When I returned from leave, towards the end of October around the 26th, I asked the Lt. the status of the documentation. He told me to document all the incidents onto a Blue Team to include an incident that happened on July 23rd that was not documented by Sgt. Bentley.

4. As per the Blue Team, an incident occurred where Off. Elizalde "threatened to assault a probationer" on July 16th, 2016.

DH 1978

Page 3 of 10
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO:

12/10/18 C1722

D Nathan

- a. Were you aware on the Blue Team you wrote the incident occurred on July 16th, 2016, but the actual incident was July 23rd, 2016? Explain.

This was a typographical error on my behalf. In drafting the report, I transposed dates of the incident referred to by Officer Portillo in the memorandum that he provided on 07/29/16. The date it happened was July 23rd, 2016.

- b. How did you become aware of the previous incident where Off. Elizalde "threatened to assault a probationer" on July 23rd, 2016?

On or about 07/30/16, it was brought to my attention by the desk officer Gilbert Sanchez.

- c. How was the incident handled by which supervisor?

I was told by Off. Sanchez that the incident had been handled by Sgt. S. Bentley, and Sgt. Bentley later confirmed the same.

- d. If the incident had already been handled, did you advise Lt. Salcido of the incident? Why?

Typically, the Sgt's Ramirez, Bentley, myself and the Lt. share information whenever there is a Blue Team. We do so to keep everyone in the loop. Because this had not occurred on this incident, I advised the Lt. about the incident.

- e. When you advised Lt. Salcido of the incident, did he state he already had knowledge of the incident?

No he did not

- f. You stated in the Blue Team chain that "Sgt. Bentley #2118 had documented the incident in Officer Elizalde's personal personnel file that Sgt. Bentley said he keeps separately from the division personnel file." What does that mean?

Sgt. Bentley specifically told both Lt. Salcido and myself that he had documented the incident in Officer Elizalde's "personal" personnel file the he keeps separately from the division personnel file at his desk. I took him at his word to mean that 1) he keeps separate employee files at his desk and 2) that he documented, that is wrote down his investigation and outcome of the event.

- g. Did you ever see any notes provided by Sgt. Bentley about the incident?

No and when I asked for them he stated that they did not exist.

- h. It was stated in the Blue Team report that Sgt. Bentley addressed the issue with Officer Elizalde regarding the probationer. Did he advise you how he addressed it? Can you explain?

DH 1978

Page 4 of 10
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722 D Nathan

He said that he had documented the incident and said that he did not see an issue with the incident.

- i. Did you ever speak with Off. Sanchez about the incident? If so, what was said?

Yes, the next Saturday July 30th, when he explained the incident to me and then I briefed the Lt. The Lt. told me to wait until he spoke with Sgt. Bentley.

- j. Why did you not document the incident on a Blue Team until Nov. 11th, 2016?

This incident should have been documented on the date of occurrence, by Sgt. Bentley. I did document the incident on an EDR on the 21st of September but I put the date of July 16th, 2016 as an error. I was directed by Lt. Salcido to hold off on giving to Off. Elizalde. The EDR sat at my desk and then I was told to list the incident as a Blue Team.

- k. Did you ever ask Sgt. Bentley to document the incident? If so, what was said?

Yes, I told him that he should have documented the incident on the date of the incident. I do not recall the exact date or time, but it was around July 30th, 2016. He disagreed to the fact of documenting the incident in a Blue Team.

- l. Did Sgt. Bentley ever tell you that he spoke with Lt. Salcido and that Lt. Salcido did not have a problem with how it was handled?

Not that I recall

5. The Blue Team report stated on 11-5-16, an Employee Performance Record was drafted by Lt. Salcido and given to Sgt. Bentley to give to Off. Elizalde. Were you present when Sgt. Bentley gave Officer Elizalde the EPR? If so, explain what you observed or heard.

Yes. I was the other sergeant on duty on that date. We had finished the shift meeting and Officer Elizalde was asked to stay behind by Sgt. Bentley. They were at the end of the table and I was at the other end collecting the shift meeting documents after having advised I believe that it was Officer Garelic about a correction. Officer Garelic left the room and as I was collecting paperwork, I could hear that Sgt. Bentley was giving Officer Elizalde the EPR. I then suddenly heard Officer Elizalde in a raised and angry voice say "I don't give a fuck; handcuffs have never been deadly weapons." This hostile action and comments drew my attention to her. Being familiar with the incident in the EPR, I told her to remember and that they are deadly weapons and also

demonstrated that handcuffs can be made into edged weapons capable of causing death or serious bodily injury especially if shoved into one's eyes and cranium.

a. What is an EPR?

Policy refers to the EDR-employee discussion record (form) and also allows for emails, memorandums, unscheduled evaluations, and daily logs as other means of documenting performance. I refer to the email form as the EPR since it is not the EDR official form.

b. How is an EPR different from and EDR (Employee Discussion Record)?

They are the same in that the document employee performance (positive or negative)

c. The Blue Team Report states that "Officer Elizalde was heard to respond in a loud and angry voice, "I don't give a fuck; handcuffs have never been deadly weapons." Who heard Off. Elizalde say this?

Sgt. Bentley and myself

d. Did you believe Off. Elizalde's response to getting the EPR/EDR was unprofessional. If so why?

Her response to receiving the written document, which had previously been discussed with her by Lt. Salcido, was uoprofessional, discourteous, hostile and verbally abusive.

e. Was Off. Elizalde's response addressed with her? If so, what was said?

Not at the time, because Sgt. Bentley was still speaking to her. After her outburst, I asked Sgt. Bentley if he was going to document the incident and he said that he was not and said that I could if I wanted to but he was not. I did address her response later when I wrote the EDR documenting her performance.

f. It was stated in the Blue Team that Off. Elizalde's conduct was "another display of unreasonable anger in the work place". How was that conveyed and why was it was felt "unreasonable"?

Her anger was unreasonable. She could have refused to sign and acknowledge the document which is allowed by policy, but instead she lashed out with her anger and statements.

DH 1978

Page 6 of 10
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY TO

12/10/18 C1722

D Nathan

6. Off. Portillo submitted a memo on July 29th, 2016 stating he "not be paired up full crew while patrolling, with Officer Martina Elizalde". Did Off. Portillo approach you or another supervisor about his request to not be paired with Off. Elizalde? Who did he approach?

He approached me after the shift meeting.

- a. What was discussed?

He stated that due to a recent incident and because in his opinion, that Officer Elizalde, was rude and not a team player, that he did not want to work with her.

- b. Did you ask Off. Portillo to write the memo? Yes. If not, who did?

Due to his comments and allegations, he was asked to provide a memorandum explaining his reasons for not wanting to work with Officer Elizalde.

- c. What was Officer Portillo's explanation for writing the memo?

He was offended by Officer Elizalde due to a recent incident where he felt that she had pawned off a call on him/

- d. How was the memo addressed and by whom?

Officer Portillo addressed the memorandum to me.

- e. The Blue Team states that the memo documented "an unapproachable and hostile work environment" by Off. Elizalde. What did you mean by this?

The incidents documented in this blue team do not refer to the EEOC definition of a hostile work environment. I am documenting incidents that are alleged to have violated the City of El Paso Violence in the Workplace Policy.

The reference here, is based upon statements made by Officer Portillo prior to providing his written statement and which he did not include in the statement: specifically, he made reference to her saying "you know how she is, she never wants to help anybody out," and that "you can't even talk to her in the shift meeting." He also stated that she is always avoiding patrol calls and only handling traffic calls and that she took too long to leave the station.

- f. Did you ask Off. Portillo if he believed Off. Elizalde created "an unapproachable and hostile work environment"? If so, what did he reply?

No. I used those words based on what he told me in question e.

- g. Off. Portillo ended up working full crew with Off. Elizalde on the same day the memo was submitted, July 29th, 2016, even after he had expressed concerns about working with her at the beginning of the shift. Did Off. Portillo express any concern to you or any other supervisor, with still having to work with Off. Elizalde, even after his memo was submitted?

No.

- h. Did Off. Portillo speak with you about wanting to rescind the memo?

Yes, on the following day.

- i. What day did Off. Portillo advise that he wanted to rescind his memo?

07/30/16

DH 1978

Page 7 of 10

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/18/18 C1722

D Nathan

- j. Did you speak with Off. Portillo about why he wanted the memo rescinded?
If so, what was discussed?
He said that it was his right and that he wanted to rescind his memorandum.
- k. Did Off. Portillo state to you any reason as to why he wanted the memo rescinded?
No.
- l. The Blue Team stated that "Officer Portillo requested to rescind his memo and it is speculated that Officer Portillo felt that there would be retaliation or added hostility if he were to continue with his complaint". Did any supervisor ask Off. Portillo why he felt "there would be retaliation or added hostility" if he were to continue with the complaint addressed on the memo?
Not that I know of. I did not write that in the Blue Team so I do not know what was meant.
- m. Did you ever hear Off. Portillo state that he would be retaliated against or have hostility from someone?
Not that I recall.
- n. Did you ever state to Off. Portillo that he gets "upset when Martina does things wrong and wants something done about it but when he (Off. Portillo) does the same thing or not what he is supposed to be doing" that he (Off. Portillo) did not want it to be addressed or something similar?
Yes.
- o. What did you mean by that?
When Officer Portillo complained about Officer Elizalde, he complained not only about her hostility, her anger but also about her work ethic. On the 30th, Officer Portillo was found to have an incident of negative performance. The incident was documented and he became immediately upset by it. When the documentation was given to him, there was discussion by him and to put his actions into context, I used his recent complaint against Officer Elizalde as an example. I wanted him to understand that his poor performance negatively affected others on his shift and that like it was done for other officers on the shift, that it would be documented.
- p. According to a Witness statement, On July 30th, 2016 you conducted a check on Off. Portillo and Off. Minjares at an 81 scene. After this happened, Off. Portillo submitted his memo to rescind his complaint against Off. Elizalde. You have been provided a copy of the rescinded memo and there is a copy of a note attached to it. Did you write the note?

Yes, I wrote the note and have provided a copy of the EDR that was issued to Officer Portillo on 07/30/16.
- q. The note you wrote explains, "Immediately after telling Paul that he needed to make sure to go 10-8 from his scenes, he texted me saying that he wanted to do this. LL1390." Why did you write this?

DH 1978

Page 8 of 10

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

To put the EDR and memorandum into context. His original complaint still existed, but now that his performance was being documented, he was upset.

7. In the Blue Team Report you mentioned two incidents "of not maintaining an approachable manner" in reference to Off. Elizalde, documented in an EDR. What were you referring to and how were the incidents addressed?

I was referring to an EDR issued to Officer Elizalde dated 07/29/16, which I made vague reference to in the Blue Team report. I provided a copy to Det. Holguin and also to Officer Portillo's memorandum.

8. As per the U.S. Equal Employment Opportunity Commission (EEOC) a hostile work environment involves discrimination under the titles of: race, sex, age, national origin, religion or disability of an individual. Do you feel that Off. Elizalde has demonstrated a bias in regards to any of the above categories, towards yourself or any other officer? No.

The incidents documented in this blue team do not refer to the EEOC definition of a hostile work environment. I am documenting incidents that are alleged to have violated the City of El Paso Violence in the Workplace Policy: hostility and violent and/or threatening behavior.

9. Do you believe Off. Elizalde's actions in the above four listed incidents on 07-16-16/07-23-16 (threatened probationer), 07-29-16, (Off. Portillo's memo), 9-14-16 (Shift meeting/Det. Test), 11-05-16 (given EPR) were insubordinate or unprofessional in any manner? Explain.

07/17/16 (threatened probationer): is unprofessional and or criminal

07/29/16 (Portillo memo): I did not handle the investigation or its outcome however I did give Off. Elizalde an EDR on that date and I do not remember how she responded.

09/14/16 (Shift Meeting/Detective Test): unprofessional, discourteous, violence in the work place

11/05/16 (EPR) unprofessional, discourteous, violence in the work place

10. What policy were you referring to in regards to Violence in the workplace? Explain how it applies to the incidents in question, reference Off. Elizalde.

It is the City of El Paso HR policy (legal review date 10/13/15). Officer Elizalde's verbal conduct in the workplace is reasonably construed to be hostile in nature through verbal abuse. In addition, it applies to her display of hostility, that is her displayed hatred, unreasonable anger and acting unreasonably aggressive when asked questions or when provided performance evaluations.

DH 1978

Page 9 of 10
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722 D Nathan

11. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?

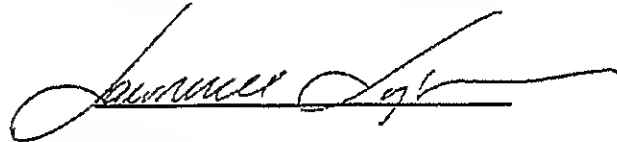
No

12. Please identify any other persons who might have information relative to this investigation?

Lt. Salcido, Sgt. Bentley, Sgt. Ramirez, Officer Gilbert Sanchez,

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

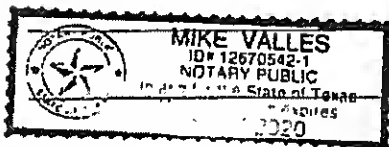
I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE Holguin #1978_GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.




Subscribed and sworn to before me, the undersigned authority, on this 4th day of January, 2017.


NOTARY PUBLIC STATE OF TEXAS

Witnesses:



DH 1978

Page 10 of 10 
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, EP, TX 79903
PHONE: 915-212-4000

This statement is given to: Detective D. Holguin 1978
of the El Paso Police Department Internal Affairs Division
by: Lt. P. Salcido #1649
Date & Time: 1-3-2017 1000hrs

My name is Pedro Salcido and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 3-17-94. I am currently assigned to the MVRCC. I have been informed that I am a witness in this administrative case. I understand and acknowledge, as indicated by my signature on this statement, the following:

- (a) Department policies, procedures, rules and/or regulations require that all employees will cooperate fully with the Internal Affairs Division during an administrative investigation.
- (b) Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, my status as a witness will change and I will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I am providing the following administrative witness statement to Detective D. Holguin 1978, the El Paso Police Department Internal Affairs Division; on or about November 11th, 2016, Sgt. L Lujon #1390 generated a Blue Team Report on incidents involving Off. M. Elizalde #1817. In the Blue Team it was expressed by you the "Blue Team documents allegations of policy violations contained and as defined in the Administrative Policies and Procedures-Violence in the Workplace adopted by the City of El Paso, October 2015, approved by City Manager Tomas Gonzalez". You stated that Officer Elizalde has demonstrated through her continuous conduct; violence in the workplace in violation of policy and as defined by Administrative Policies and Procedures Section I and Section II Subsections A, B, D, H, and J." Please answer the below listed questions.

1. Were you provided a copy of the Blue Team Report? Yes

DH 1978

Page 1 of 16
 PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

2. Did you advise Sgt. Lujan to write the Blue Team report? Sgt. Lujan and I had been dealing with this issue and had been speaking about this blue team. I did concur with him prior to writing this blue team and he drew up the blue team. But we did talk about it prior to him writing the blue team. I would like to clarify the answer to the question. Yes I did.
3. An incident that occurred on 9-14-16, listed in the Blue Team report where; during shift meeting, Off. M. Elizalde was directly asked by Sgt. Lujan if she would be taking the Detective's test and she did not reply. Off. Elizalde "became angry, making a facial scowl, shrugging her shoulders and not providing a verbal response". Did you believe the conduct was unprofessional and/or disrespectful, and if so, how? It was disruptive and disrespectful to the shift and the supervisors. The rest of the shift took note that she was not answering questions and created tension. It felt hostile because it put Sgt. Lujan in a position that his authority was being challenged. To address the issue and the purpose was to determine staffing and account for her whereabouts. I would like to clarify the answer and explain what I mean as hostile. It created an environment that made it hard or difficult to work in when she refused to answer Sgt. Lujan.
 - a. Did you deem the gestures and response exhibited by Off. Elizalde to be "intimidating and hostile" as stated in the Blue Team report? If so, how? Yes. It was intimidating because she was not answering which pressed Sgt. Lujan to push the issue, which we do not like to do. She intimidates supervisors and it becomes a negative as opposed to a positive. I would like to clarify and add to my answer that I perceived that Off. Elizalde was intimidating because it seemed to me that she wanted to dominate the situation and for Sgt. Lujan to back off and not have to respond to him, thereby I felt she was challenging his authority. This created an uncomfortable and difficult setting for me that I felt it was hostile. I felt it was hostile when she refused to answer and the rest of the shift seemed to be in awe. What I mean as hostile is that it created an environment that made it difficult to work with.
 - b. Why did you feel that Off. Elizalde responded in an "unreasonable anger" in her voice saying "I don't know"? I can't speak for her as to why she was angry, she does not like to cooperate in shift meeting answer or participate in shift meetings, depends on her mood, there are days that she participates and sometimes she does not. Her behavior is unreasonable in the fact that if you were to ask any other officer on the department during shift meeting are you going to take the test? more than likely they are going to give you a yes or no response. For me it was unreasonable for her not to answer, to shrug her shoulders and her emotional display was causing negative tension in the room. Her response in that sense, was unreasonable. I would like to clarify my

answer. I addressed her behavior but I needed to answer as to her unreasonable anger. I felt that Officer Elizalde's response when she answered was in an angry tone of voice as detected by her voice inflection, which was harsh, short, and abrupt and rudely stating "I DON'T KNOW!" Her anger is unreasonable in that it was a simple question and the anger she displayed in my opinion was disproportionate to the simple question of whether or not she was taking the test.

- c. Are there any other instances where Off. Elizalde acted unreasonably? Yes. Instances where she sat in the back. I wanted to try to establish a team concept one team one fight and she was not accepting the suggestion. Sgt. Valles asked the question if it was addressed with her at that time. It was addressed over a period. It was actually addressed with her two or three occasions and I know we had a discussion with her. To better clarify, the discussions we had were related to her sitting in the back and I felt that she was being unreasonable during those discussions as well.
- d. How did Off. Elizalde's response seem hostile to you and how was it "conduct that is detrimental to a positive working environment"? It seemed hostile because it was a simple question (yes or no) and required a simple yes or no answer. Her not wanting to respond and when she did respond, she seemed confrontational and created unnecessary tension in the room. I would like to clarify the answer. Her body language to me appeared hostile because of her nonverbal communication. I felt she was being confrontational in that her nonverbal body cues were that her body became rigid, her facial expressions changed to becoming unpleasant and unwelcoming. She turned red and looked straight ahead refusing to acknowledge. That made me feel uncomfortable and created an environment that make it difficult to work in.
- e. How did Off. Elizalde's actions "demonstrate an unapproachable manner"? Officer Elizalde was sitting facing straight forward and we were off to her left. Sgt. Lujan asked her if she was going to take the test and she nod not response. Sgt. Lujan asked her again and she did not respond and I believe Sgt. Lujan maybe asked her a third time and did didn't respond and shrugged her shoulders and had a look on her face that was of displeasure. Her emotions were that she was rolling her eyes back and the expression of her face and her physical appearance just 'seemed to be more rigid as Sgt. Lujan continued' to press her for the answer and you see she was getting more rigid in that sense of the work. It kind of perked me up a little bit and felt confrontational. I would like to clarify the answer to the question. Officer Elizalde demonstrated and

unapproachable manner by her failure to respond as I would have expected in a professional tone. Having to be asked several times and explaining the reason why she was being asked and still refusing to answer and when she did finally answer, she answered with an angry ton "I DON'T KOW! I felt the hostility feeling very uncomfortable and found my self in an environment difficult to work in. I did not feel comfortable that I could approach Ofc. Elizalde and that she would welcome my approach if I only wanted to express a simple friendly good morning to her.

- f. At any point did any supervisor ask Off. Elizalde how she felt when being addressed by Sgt. Lujan about her taking the Detective's test? The only supervisors present was Sgt. Lujan and myself. I don't think there were any other supervisors present at that time. I don't recall I don't think I did and I don't think Sgt. Lujan did either. To better clarify this answer, the answer is no.
- g. How were Off. Elizalde's "gestures, tone of voice, and response on 9-14-16" "intimidating and hostile" to Sgt. Lujan, yourself and other shift members present? Her tone of voice in her response I felt was hostile and intimidating. As supervisors, we were asking her a simple question and she seemed confrontational, her body language was rigid and her facial expressions were disapproving and rolling her eyes. The way she was presenting herself she didn't appear approachable. That was intimidating to me because of her changing physical appearance seemed more aggressive creating what I thought was hostile and intimidating, unreasonable and unnecessary. When asked by Sgt. Valles during the interview, he asked if she was abrasive. I stated she was not abrasive. Her verbal response though was not negative, cruel and not cordial and seemed aggressive Her tone of voice was demeaning to Sgt. Lujan and myself creating for persons to become defensive and felt I had to become defensive. And I think Sgt. Lujan felt the same way but I can't speak for him. But I felt I did. It was getting to the point that if Sgt. Lujan was not able to take control, I was going to have to step in. It was not a situation I wanted to create but we have a supervisory responsibility and needed an answer and it was getting to the point where we were about to give her a direct order to answer as opposed to giving a simple yes or no answer. I would like to clarify this answer. I felt intimidated because Ofc. Elizalde's' gestures, tone of voice and response was that she appeared to me that she wanted to control the situation. I felt it was hostile because I felt very uncomfortable being put in that position as a supervisor and her gestures, tone of voice, and response created an environment that made it difficult to work with.
- h. Prior to this particular shift meeting, was there any other occasion where a supervisor asked her a question in front of the other officers to where

DH 1978

Page 4 of 16
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO:

12/10/18 C1722 D Nathan

she responded in the same manner? She has responded in the same type of manner but with no verbalization. As I recall this happened only after she was asked to sit with the rest of the shift after I was assigned to the shift. She offered the same type of resistance and reluctance to sit with the rest of the shift as I required her to do so. I would like to clarify this answer. My answer is that it had not occurred in my presence.

- i. When you have met with Off. Elizalde in your office or at any other time, have you ever asked Officer Elizalde why she reacted in the manner she did when asked the question in front of other Officers? I did ask why she did not want to sit with officers and she answered she felt that everyone was against her and she was being isolated from the group and doesn't feel part of the group. She expressed she just wanted to be left alone. She didn't want to have anything to do with the shift and vice versa, that the shift did not want to have anything to do with her. To clarify my answer, the answer is no I have not asked Ofc. Elizalde why she reacts in the manner that she does when asked questions in front of other officers.
 - j. Did you or any other supervisor ask Officer Elizalde how the situation could be remedied or help her not feel that she was "separate from the other officers"? I don't recall that we did. To clarify the answer, no I did not.
 - k. On 9-14-16 during this incident in the shift meeting room officer Elizalde's actions "further caused alarm and an immediate reaction by the shift" according to the Blue Team Report. Explain why it further caused alarm and an immediate reaction by the shift. This further caused alarm and the immediate reaction from the shift. They sat back, their eyes opened, they appeared to me to be becoming defensive, they appeared to be in awe. There was a sense of disbelief that she was answering Sgt. Lujan in that type of tone. I felt that they felt they had to be on the defensive, there was tension and at that point, I felt they were feeling the hostility that she was expressing. To clarify my answer, Officer Elizalde's actions caused alarm and immediate reaction from the shift because the rest of the shift members were immediately drawn to the situation and I believe this also created an uncomfortable and difficult situation for the shift members present.
4. According to the Blue Team written by Sgt. Lujan, an incident occurred on 7-23-16 where Off. Elizalde "threatened to assault a probationer."
- a. How was the incident handled and by which supervisor? There is a lot of back and forth. This was brought to my attention by Sgt. Lujan. He advised this incident occurred between Ofc. Elizalde and a probationer

DH 1978

Page 5 of 16
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

who sprayed water on her windshield and she become aggressive with him. The initial information came from Ofc. Gilhert Sanchez who was working the desk and car wash. When brought to my attention, I felt it was serious because of the hostility she was exhibiting to the probationer. It was my perception is that the probation was working for us as part of his probation condition. Sgt. Lujan and I felt confident in documenting the incident. Sgt. Bentley was aware and on duty at the time of the incident. Sgt. Lujan and I asked Sgt. Bentley what he had done with the incident. Sgt. Bentley said it was nothing major and he took care of it. That it's been resolved and no making a big deal about more than what it really is. He mentioned in prior conversations with Sgt. Lujan and I that he was maintaining his own documentation on Officer Elizalde. We had a conversation about documenting incidents not only on Ofc. Elizalde but all officers to assure the performance is what I expected it to be and what the department expects it to be. Sgt. Bentley had said he was keeping his own notes and we trusted in that when this incident happened. Sgt. Lujan asked him for the notes so we could make the determination to act on this or not. During that discussion, Sgt. Bentley advised he did not have any notes and he had not documented this incident. Sgt. Lujan was leaving on extended leave and Sgt. Bentley was going on his RDOs. I felt it was important to find out exactly what had occurred. Taking it a step further, I asked Ofc. Gilbert Sanchez on what occurred. Ofc. Sanchez advised she was very aggressive with the probationer and the probationer expressed that concern with Ofc. Sanchez because he did not want to lose his position at the carwash. I thought the probationer was reluctant to do anything. I asked Ofc. Sanchez to ask the probationer if he was willing to or would want to give a statement, voluntary, if he wanted to. Officer Sanchez obtained the statement. He gave me the statement and I waited for Sgt. Lujan to come back. I expressed to Sgt. Lujan what had happened. I relied on Sgt. Lujan to document the incident because I felt that Sgt. Bentley was derelict, as he had not documented this incident, as it was required by this department at its most minimal need. So that is why I had Sgt. Lujan write up the incident. We had other documentation which triggered this blue team which documents several incidents which require we take some type of action on the employee. Ultimately, Sgt. Lujan was instructed to document this incident. Sgt. Valles asked during the interview to whom did he make known that he had notes on this. I answered that he (Sgt. Bentley) made this comment to Sgt. Lujan and me. We, Sgt. Lujan and I, had already discussed that was we would need documentation because we were having problem with Ofc. Elizalde and so we asked him what was he doing with this employee, she is assigned to him. What are you doing to keep tabs on this employee because we can't tolerate this type of employee, her reactions, changing of seating assignment and other minor incident that had come up. Sgt.

Bentley said that he was keeping his notes and we were relying on those notes and there were no notes and in the end, turned out there were no notes according to him. He told specifically Sgt. Lujan and told me, we were sitting in my office Sgt. Lujan was sitting to my right and Sgt. Bentley was standing at the door, and I was sitting behind the desk. We asked him specifically what notes do you have. He said he had his own private notes and he was keeping track of her performance. I don't recall how he was keeping notes. I took it at his word that he was taking notes which by department standard you can keep in a notehook, on the computer, word document or spread sheet. We didn't want to push the issue any further and we didn't want to create a situation with Sgt. Bentley either. I had instructed all the sergeants if you are having issues with employees related to performance, conduct, or attendance, you need to make sure you document those.

- b. When did you first learn about the incident with the probationer and Officer Elizalde? Around September 19th. I would like to clarify that at the time that the audio statement was being obtained, I did not have a calendar or reliable sources to review or refresh my memory. It was not until I later tried to research when I first learned about the incident and with the help of Det. Holguin and related documents, specifically the statement provided by Mr. Cavazos, I want to say, I became aware of the incident a week later after it happened which I think is on or about July 27th or July 28th.
- c. You stated in the Blue Team chain of command history notes that "Sgt. Bentley #2118 had documented the incident in Officer Elizalde's personal personnel file that Sgt. Bentley said he keeps separately from the division personnel file." What does that mean? What that means is that each supervisor is allowed by policy to keep performance evaluation notes where you can document both positive and negative observations on employees. I had asked Sgt. Bentley about any notes he had on Ofc. Elizalde and he said he was keeping his own personal notes. This means he could keep them in a notebook, a binder, on a word document on his computer or any other media that he so desires that's most efficient for him.
- d. Were you advised by Sgt. Bentley at any point that the issue with the probationer happened on July 23rd, 2016? No, he didn't mention it to me, I heard it first from Sgt. Lujan.
- e. In the Blue Team you stated that Sgt. Bentley told both you and Sgt. Lujan that he had documented the incident that occurred on 7-16-16 (threatening probationer). (Occurred on 7-23-16) Did you ever review such documentation? If so, where was it filed? No, I did not review any

DH 1978

Page 7 of 16
 PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY TO

12/10/18 C1722

D Nathan

documentation and its unknown if it's filed anywhere since Sgt. Bentley said he had taken care of it and that it was not a major issue.

- f. It was stated in the Blue Team report that Sgt. Bentley addressed the issue with Officer Elizalde regarding the probationer. Did he advise you how he addressed it? Can you explain? Yes, he did. Sgt. Bentley said he had spoken to Ofc. Elizalde and that Ofc. Elizalde explained to him what had occurred. Sgt. Bentley agreed with what Ofc. Elizalde done and her reaction and he did not feel that she was out of line. Therefore, he took no action because he agreed with her. What it came down to was Sgt. Bentley felt that Ofc. Elizalde was startled and any other officer would have reacted the same way. That he has done it before where a probationer splashes water on the windshield and creates a sense of panic that can be upsetting. I see and I can agree with that. I felt he minimize the incident. It was not until later after speaking with Ofc. Sanchez and got the statement from Mr. Cavazos that I realized how serious it was how aggressive she was. I requested video but they were changing out the system so there was no video. I would like to clarify my answer. He advised me after I asked him about the incident. Sgt. Bentley explained that he had spoken to the probationer and that he did not want to file any complaint and that he spoke to and agreed with Ofc. Elizalde and her actions. He explained that it was not a big deal.
- g. Did Off. G. Sanchez bring up the issue about the probationer to you or Sgt. Lujan? If so, how was the incident addressed? He went to Sgt. Lujan. Sgt. Lujan advised me. We asked Sgt. Bentley for the documentation and found none. At that point we let it go but I became more inquisitive and asked Ofc. Sanchez to follow up on this and that is when we obtained the statement. As a matter of fact, it was around the 16th. I would like to clarify my answer. Officer Sanchez brought up the issue to Sgt. Lujan. Sgt. Lujan then advised me of the issue and Sgt. Lujan and I asked Sgt. Bentley about it. Sgt. Bentley did not think it was a major issue and he explained that he addressed the issue between the probationer and Ofc. Elizalde and expressed he didn't think it was a big deal. In regards to the date regarding the 16th, I was referring to Sept 16th however, looking and reviewing the calendar, it may have been around August 30th. I cannot recall the dates.
- h. Did Sgt Bentley inform you if the probationer wanted to pursue a complaint on Officer Elizalde? I don't recall but I want to say the probationer did not want to do anything about it or if he even made an outcry and that was one of Sgt. Bentley's outcry that advised no one wanted to make a complaint.
- i. Do you know why the incident with Off. Elizalde above on 7-16-16 (7-23-16) where Off. Elizalde "threatened to assault a probationer" was placed

DH 1978

Page 8 of 16
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

on a Blue Team report on 11-11-16 if the incident had already been addressed? Incident was not addressed according to policy, workplace violence where a supervisor has no discretion. I would like to clarify that the Blue Team report was not generated until 11-11-16 because there was insufficient information on the incident where the probationer had been threatened. On August 9th or 10th, we (Lujan and I) talked to Sgt. Bentley but couldn't finish the conversation because he leaves abruptly. I am not able to follow through with him because he does not believe that it is not a major issue. In review now with my calendar, it was delayed because I took leave and did not return until Aug 30th. On or about August 30th or 31st is when I spoke to Officer Sanchez and asked him to get the statement after September 4th shift change when he would be working on Saturdays and would see the probationer. No follow up was done the 1st week of September since I was on vacation and unable to follow up with Ofc. Sanchez during the week of Sept 11th. I believe I met with Officer Sanchez to remind him to get the statement but I am not sure. I am unable to recall why the statement was not obtained by September 17th, but that is when I expected to have had the statement in hand. The statement was not obtained until September 24th. Sgt. Lujan was gone for most of October and because of opposite days off caused a further delay. I further did not act on this until I would be able to meet with Sgt. Lujan to evaluate the direction to take on this investigation. Sgt. Lujan was on vacation and I was unable to see him until on or about November 2nd. After conferring with Sgt. Lujan, we agreed to proceed with the blue team inclusive of other issues/incident dating back to July 2016. He requested and I granted him time to complete the blue team. He took maybe two no more than three days to complete the blue team. On or about November 11th is when he entered the blue team. I forwarded the blue team on November 18th to Commander Romos. In hindsight, this issue, once I determined that it was an issue, I should have done this Blue teamed this in July and forwarded to IA for investigation.

5. Please explain how it came about that you took the statement from the probationer, Mr. Cavazos? Sgt. Bentley was not handling this the way it should have been handled or as I expected to be handled. At that point I felt I could not rely on Sgt. Bentley I could not depend on him to accurately document this incident. Sgt. Lujan had knowledge of the incident but he did not have personal knowledge and I did not have personal knowledge of the incident I had asked Ofc. Sanchez to give me insight to the incident. The best person to give us this information was Mr. Cavazos. This is why I asked Ofc. Sanchez to get the statement from Mr. Cavazos. The reason for that was because Sgt. Lujan was going to be on extended leave and I would be on my days off.

DH 1978

Page 9 of 16
 PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

- a. Did you ask Off. Sanebez to obtain a statement from Mr. Cavazos? I asked Ofc. Sanchez if he could obtain a statement from Mr. Cavazos when he would report for the ear wash on Saturday as opposed to coming in. The statement is given to me, I am the one requesting the statement. It was given to Ofc. Sanchez, he is the one who did the paperwork at my direction.
 - b. Did Mr. Cavazos advise you why he chose to give a statement approximately two months later from the incident? No, I don't think he was asked and I don't think anyone realized how serious this was.
 - c. After the statement was taken from Cavazos, which supervisor addressed the incident? Sgt. L. Lujan.
 - d. Did Off. Elizalde have knowledge of the situation being addressed? No.
 - e. When the complaint was filed by the probationer (Cavazos) and addressed with Off. Elizalde, how was that handled? The statement was obtained and we did not address the issue with Ofc. Elizalde pending this blue team so we did not discuss this issue with her.
 - f. Is it safe to say that Off. Elizalde believed the correct measures were already taken by Sgt. Bentley when he addressed it with her? According to Sgt. Bentley, when the incident occurred he addressed it with her and sided with her that she had done nothing wrong. We generated the blue team so we could get a decision and guidance from the department to determine if she was within or out of policy. Until such time, we will address it with her but at this time this issue has not been addressed to her as to whether this is a violation or not.
 - g. Do you know how Off. Elizalde responded to the incident being addressed with her? The incident was not addressed with Ofc. Elizalde as of yet.
6. The Blue Team report stated on 11-5-16, an Employee Performance Record was drafted by you and given to Sgt. Bentley to give to Off. Elizalde. Were you present when Sgt. Bentley gave Officer Elizalde the EPR? No. I was the one that observed the officer safety violation. I drew up the EDR and gave it to Sgt. Bentley to address this issue with Ofc. Elizalde and Ofc. Elizalde was addressed by Sgt. Bentley on an individual basis. I think their conversation was overheard by Sgt. Lujan. EDR-Employee Discussion Record. I would like to clarify this answer. There was some confusion and lack of supporting documentation when the audio was being obtained as to the form that was used. This was in reference to an officer safety violation. I recall that I had sent an e-mail to Sgt. Bentley to address this with Ofc. Elizalde. Sgt. Lujan made reference to this that it was an

DH 1978

Page 10 of 16

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

12/10/18 C1722 D Nathan

EPR-Employee Performance Record. An EPR is not common terminology used by the department and when reviewing the blue team, this was addressed with Sgt. Lujan and that was his reference. See attached original blue team provided to IAD noting my markings where I had questioned the term EPR with Sgt. Lujan. It was listed as an EPR as referenced to by Sgt. Lujan which was actually an e-mail I had sent to Sgt. Bentley to file after Ofc. Elizalde acknowledged our conversation. An EDR is an actual sanctioned department formal form used to document an employee's conduct, attendance or performance and can be made in the form of an e-mail as stated in the procedures manual to be used as a performance evaluation note. The EDR serves the same purpose for use as a performance evaluation note.

- a. Did you hear any comments made by Off. Elizalde upon receiving the EPR? If not, who did? No, I did not.
- b. Is the correct term EPR or EDR (Employee Discussion Record)? The correct term is EDR, (Employee Discussion Record)
- c. The Blue Team Report states that "Officer Elizalde was heard to respond in a loud and angry voice, "I don't give a fuck; handcuffs have never been deadly weapons." Who heard Off. Elizalde say this? I believe it was Sgt. Lujan.
- d. The EPR was attached to the scanned docs and it is in email form. Is this correct? Correct.
- e. Did you believe Off. Elizalde's response to getting the EPR was unprofessional. If so why? Based on what I am reading here (reference blue team) and her response to Sgt. Bentley, it was not anything that I observed, just what is documented. Sgt. Bentley discussed this EPR with Ofc. Elizalde. The way the cubicles are situated there is no sound barrier between Sgt. Bentley's desk and Sgt. Lujan's desk. I would like to clarify my answer. I was not present when this incident occurred. However, reading from the blue team, I do believe that her conduct was unprofessional because the use of profanity in the presence of a supervisor who is taking corrective action and her not wanting to accept responsibility for her actions and accept the criticism.
- f. It was stated in the Blue Team that Off. Elizalde's "conduct displayed unreasonable anger in the work place". How was that conveyed and why was it felt "unreasonable"? In relation to the statement she made on 11-05-16 when addressing the EDR from Sgt. Bentley. Just in reading, her past conduct I can see her making this statement, I can see her anger, hostility and reluctance to agree she should have erred and that she is being corrected. Her using profanity is aggressive behavior

DH 1978

Page 11 of 16
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

especially in the presence of a supervisor. Especially when she is addressing a supervisor when she is being corrected. That creates additional hostility between her and the supervisors. I would like to clarify my answer. Her use of profanity in the workplace is unreasonable because I feel that it creates a difficult working environment and intimidates the supervisor who is attempting to take corrective action on an employee. I feel that she may have tried to intimidate Sgt. Bentley by trying to control the session and not accepting constructive criticism by using profanity.

7. Off. Portillo submitted a memo on July 29th, 2016 stating he "not be paired up full crew while patrolling, with Officer Martino Elizalde". Did Off. Portillo approach you or another supervisor about his request to not be paired with Off. Elizalde? Officer Portillo approached me and Sgt. Lujan and he told us that he did not want to work with Ofc. Elizalde.

a. Who advised Off. Portillo to write the memo? I did.

b. What was the reason for Off. Portillo writing the memo? Officer Portillo stated he did not want to ride with Ofc. Elizalde. I asked him why and he would not provide an answer and I told him that I cannot justify him not wanting to ride with Ofc. Elizalde and that I can't give anyone any preferential treatment. Unless there was an issue between them or there was something substantial that would justify for me to have to separate them and without it being documented, I was not going to separate them. If he wanted me to separate them, I would need that in writing. He produced a memo stating the reasons why he didn't want to ride with Ofc. Elizalde.

c. Do you know how was the concern addressed and by whom? That concern was addressed by myself and Sgt. Lujan at that time. He initially did not want to ride with her Ofc. Portillo did not want to ride with Ofc. Elizalde. I tried to call Commander Romos for guidance but I was not able to get a hold of him. I decided to keep them together. Later I spoke to Commander Ramos and he agreed with my decision. I would like to clarify my answer. The concern expressed by Ofc. Portillo according to his memo was that he cannot trust Ofc. Elizalde and she is willing to not tell the truth while working with officers and not willing to get involved while handling police calls. I reviewed and addressed the concern and was not able to validate Ofc. Portillo's sentiment.

d. Off. Portillo ended up working full crew with Off. Elizalde on the same day the memo was submitted, July 29th, 2016, even after he had expressed concerns about working with her at the beginning of the shift.

DH 1978

Page 12 of 16
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

Did Off. Portillo express any concern to any supervisor, with still having to work with Off. Elizalde, even after his memo was submitted? No.

- e. Who instructed Officer Portillo that he would still have to continue working with Officer Elizalde the same day he provided his memo on his indifference with her? If so, was an explanation provided to Off. Portillo as to why? I did. I do not recall if I explained to Ofc. Portillo as to why he would still need to ride with Ofc. Elizalde.
- f. Did Off. Portillo speak with you about wanting to rescind the memo? Yes, he did, he didn't speak to me directly he spoke to Sgt. Lujan. I can't remember if he did or didn't but he did express to me, I don't know if in person or by phone but he did express to me that he wanted to rescind his memo. I would like to clarify my answer. I don't clearly recall how the conversation took place but it was clear that Ofc. Portillo desired to rescind his memo.
- g. When did you become aware of the fact Off. Portillo wanted the memo rescinded and who advised you? He advised me he wanted to rescind his memo and he submitted his memo the same day he advised me. I have a copy of that memo and I be particular about when that actually occurred. It was the same day. Well there were two different memos. The initial memo was written on 07-29 and on 07-30 he submitted his memo to rescind his not wanting to work with Ofc. Elizalde. I am not sure if that memo is in blue team or not. I would like to clarify my answer. If I remember correctly, Ofc. Portillo advised me via phone that he wanted to rescind his memo and I advised him I would need a memo stating that fact. I received his memo to rescind I believe on 07-31 after it had been submitted to Sgt. Lujan on 07-30. A copy of the memo was provided to Det. Holguin as supporting documentation.
- h. Do you know what day Off. Portillo asked for the memo to be rescinded? 07-30-16 was the date on the memo
- i. Did you speak with Off. Portillo about why he wanted the memo rescinded? If so, what was discussed? Yes, I want to say he did, I think he called me on the phone and he stated he just wanted to rescind his memo. He did express he wanted to rescind his memo, He was instructed he would have to write another memo which he did I can't remember clearly but there was an underlying factor. The date he sent it was on 07-30-16, the following day. He said he just wanted to rescind the memo. He didn't want to follow through with the investigation but there was an underlying factor there. It's not as clear as it seems.

DH 1978

Page 13 of 16
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

- j. Did Off. Portillo state to you any reason as to why he wanted the memo rescinded? No.
- k. The Blue Team stated that "Officer Portillo requested to rescind his memo and it is speculated that Officer Portillo felt that there would be retaliation or added hostility if he were to continue with his complaint". Did any supervisor ask Off. Portillo why he felt "there would be retaliation or added hostility" if he were to continue with the complaint addressed on the memo? Can you explain? No. When we were reviewing this documentation about Ofc. Portillo not wanting to Ride with Ofc. Elizalde and looked closer as to why he was rescinding his memo the next day, in hindsight, I think or he thought what was going on with this situation and he opted not to pursue the complaint. He continuously complained that he did not want to ride with her and that he didn't trust her and that she was a liar. He acknowledged that nobody wanted to work ride with her and she was a problem on the shift and we told him unless we have documentation, then there is nothing that we can follow up and it takes this type of documentation to verify whether this is happening or not. Unless there is a formal complaint, like any internal affairs complaint, then it is very difficult for us to look into. This is speculation on my part that Ofc. Portillo did not want to ride with Ofc. Elizalde. I once hear Officer Portillo in the locker room state "I see nothing, I hear nothing, I do nothing." Based on that is why I think he didn't want to follow through with the complaint. On the flip side, on the (July) 30th, Ofc. Portillo was not where he was supposed to be according to Sgt. Lujan. This didn't sit well with Ofc. Portillo. After that is when he called wanting to rescind his memo. I want to say he called me and it wasn't til' later when I spoke to Sgt. Lujan that he explained it to me. A note to his rescinded memo explains, "Immediately after telling Paul that he needed to make sure to go 10-8 from his scenes, he texted me saying that he wanted to do this. LL1390."
- l. What does Off. Portillo's inaction on another incident (the 81) have to do with the memo he wrote about not wanting to work with Off. Elizalde? Ofc. Elizalde responded as a secondary back up unit for Ofc. Chavez and Ofc. Portillo on a family disturbance call. Ofc. Elizalde arrived in the area and located the suspected offender. She conducted a check on him and found no warrants. Officer Chavez and Portillo arrived and expected her to handle the call. Ofc. Elizalde expressed to Ofc. Chavez and Portillo that she was not going to handle the call, gave the suspected offender's identification and left the area. This incident triggered Ofc. Portillo to distrust Ofc. Elizalde and where she was lying about the incident. That was his justification for not wanting to work with her. That is the other speculation, we think that because he got upset over that is why he no longer wanted to cooperate with this

DH 1978

Page 14 of 16

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

investigation. So we are speculating one of the two reasons. That is why I said there is more to it than just what you see here. We have that speculation where he thought about it saying something like; "she's (Off. Elizalde) going to retaliate, I don't want to do with it, I change my mind or the hell with Sgt. Lujan, I'm not going through with this investigation." That is why it's not clear and can only be speculated as to why he rescinded his memo. I don't want to commit to something like that (whether Off. Portillo felt there would be retaliation from Sgt. Lujan or from Off. Elizalde), when I don't know Off. Portillo's reasons. I see the two sides (Off. Portillo thinking Off. Elizalde or Sgt. Lujan may retaliate) but I can't say.

m. Did you ask Off. Portillo whom he believed would be retaliating against him? If not, why not? Please explain. No. I did not think to ask him.

n. Was Off. Portillo ever told that the memo would be removed from his Divisional File? No. He was not told that it would be taken out. This should be in Off. Portillo's division file.

8. As per the U.S. Equal Employment Opportunity Commission (EEOC) a hostile work environment involves discrimination under the titles of: race, sex, age national origin, religion or disability of an individual. Do you feel that Off. Elizalde has demonstrated a bias in regards to any of the above categories, towards yourself or any other officer? No.
9. Do you believe Off. Elizalde's actions in the above four listed incidents were insubordinate or unprofessional in any manner? I would say they are insubordinate. On 09-14-16, I believe she was insubordinate, on 07-16-16/07-23-16 involving the probationer she was unprofessional, 07-29-16 she was insubordinate, didn't really find anything wrong with how she addressed the incident involving Off. Portillo, and on 11-05-16 reference the handcuffing issue, where she said "I DON'T GIVE A FUCK!" insubordinate and unprofessional. I would like to clarify my answer to include what I believe is being "insubordinate and unprofessional." Being insubordinate is when a supervisor asks an employee of a lesser rank to do something or instructs the employee to do something and the employee refuses to comply with the request from a person with a higher authority (when Sgt. Lujan asked her a direct question regarding the Detectives test). Unprofessional conduct is when an employee behaves in such a manner that is disrespectful, demeaning, or undignified to another person regardless of who that person may be (regarding the incident with Mr. Cavoza and how she cusses when addressed by supervisors).
10. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation? No

DH 1978

Page 15 of 16
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

11. Please identify any other persons who might have information relative to this investigation? Sgt. Lujan, Ofc. Sanchez, Mr. Cavazos, Sgt. Bentley and Sgt. Ramirez, Officer Portillo

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

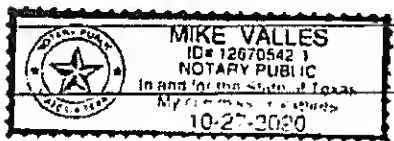
I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE Holguin #1978 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Podar M. Solarte

Subscribed and sworn to before me, the undersigned authority, on this 3rd day of January, 2017.

[Signature]
NOTARY PUBLIC STATE OF TEXAS

Witnesses:



DH 1978

Page 16 of 16

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, EP, TX 79903
PHONE: 915-212-4000

This statement is given to: Detective D. Holguin 1978
of the El Paso Police Department Internal Affairs Division
by: Off. J. Minjares #1505
Date & Time: 12-22-16 900hrs

My name is Jorge Minjares and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 09-25-1992. I am currently assigned to the MVRCC. I have been informed that I am a witness in this administrative case. I understand and acknowledge, as indicated by my signature on this statement, the following:

- (a) Department policies, procedures, rules and/or regulations require that all employees will cooperate fully with the Internal Affairs Division during an administrative investigation.
- (b) Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, my status as a witness will change and I will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I am providing the following administrative witness statement to Detective D. Holguin 1978, the El Paso Police Department Internal Affairs Division; on or about November 11th, 2016 a Blue Team Report was generated on multiple incidents one of which was an incident involving you and Off. M. Elizalde #1817. The incident occurred on 7-23-16 where you were partners with Off. Elizalde. Please answer the following questions.

1. You were provided your logsheet from 7-23-16 to review, prior to answering these statements. Is that Correct? Yes
2. Who was driving the vehicle that day you or Off. Elizalde? Off. Elizalde
3. On or about July 23, 2016, you were working full crew with Officer Martina Elizalde. An incident occurred where a probationer, Mr. Cavazos, was assisting in the MVRCC carwash and Mr. Cavazos was threatened by Off. Elizalde. Can you describe what happened? Officer Elizalde pulled up to the entrance of the

DH 1978

Page 1 of 5
 PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

sally port where Mr. Cavazos had the water hose and sprayed water on the windshield of the unit. Off. Elizalde got upset that she couldn't see out from the front windshield and stated that is bullshit I can't see. Officer Elizalde drove past the sally port instead of parking the car for it to be washed and parked at the exit of the sally port. Officer Elizalde got out of the patrol car and started walking towards Mr. Cavazos stating something to the effect of this is fucking bullshit don't be spraying the windshield with water like that. I can't see where I'm driving. Officer Elizalde walked off and I went inside.

- a. Did you hear any conversation between Off. G. Sanchez and Mr. Cavazos?
No
 - b. Did Off. Elizalde "peel out" in the vehicle? If so, explain? Yes Off. Elizalde did peel off because the ground was wet and she drove past the parking in the sally port and parked at the exit.
 - c. Did Off. Elizalde threaten Mr. Cavazos at any time by saying "don't you ever fucking do that again or I am going to kick your fucking ass" or something similar? Explain. I heard her say don't be spraying the windshield with water like that but I did not hear her say that she was going to kick Mr. Cavazos ass.
 - d. Did you speak with any supervisor about what happened with Off. Elizalde and Mr. Cavazos? If so, who and what was said? No
 - e. Did Off. Elizalde say anything to you about why she reacted the way she did with Mr. Cavazos? No
 - f. Did you hear any supervisor talk to Off. Elizalde or Off. G. Sanchez? If so what did you hear? No. Sgt. Bentley did ask me where Off. Elizalde was because I was in the report room and she was in the 10-15 area. I told him that she was in the 10-15 area and he walked off.
 - g. Did you hear anything that Mr. Cavazos said to Off. Elizalde? No
3. Off. Paul Portillo wrote a memo on July 29th reference not wanting to work with Off. Elizalde. Are you aware of this memo? Yes I found out about the memo after Sgt. Lujan talked to us about the below incident.
- a. After this memo was written on July 29th, you and Off. Portillo worked full crew and Off. Portillo stated there was an issue with Sgt. Lujan checking on the unit after an 81 was handled (near Americas and Alameda), to see if the unit cleared the scene. Off. Portillo stated he wanted to rescind his memo that he provided about Off. Elizalde. Do you know what was said by Sgt. Lujan to Off. Portillo or vice versa? Explain.
We cleared an 81 and I was finishing up the log sheet so I told Off. Portillo to drive. I finished the log sheet and checked to see if there were any calls pending and observed that there were no calls pending and one or two units were available. Officer Portillo and I got out of the car and Sgt. Lujan called Off. Portillo on the phone. I did not hear the conversation but was told by Off. Portillo that Sgt. Lujan had called and asked why we hadn't gone 10-8 right away after the 81. I asked Off. Portillo if he told Sgt. Lujan that I was still working on the log and that's why we didn't go 10-8 right away and he

DH 1978

Page 2 of 5

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

said he did not. After we got back to the station in the afternoon Off Portillo and I were done for the day and were in the report room, it was around 15:30 hrs or right before. Sgt. Lujan got on the PA system and called Off. Portillo and myself to the Sgts office. When we got there and I observed Sgt. Lujan and Sgt. Valles were in the Sgt's office. Sgt. Lujan had a piece of paper for me and one for Off. Portillo. Sgt. Lujan stated that we were trying to milk the call and that there were no units available and calls pending before we called out for a 10-7. Sgt. Lujan stated that other units were trying to clear and that we did not let them. Sgt. Lujan stated that he had written a blue team for us not going 10-8 on time and staying out on the call. Sgt Lujan stated you complain about Martina and you guys go out there and do the same thing. Off Portillo asked Sgt. Lujan is this because of the Memo I gave the Lt. about Martina because if it is I want it back. Sgt. Lujan stated that he could not give the memo back and that off. Portillo would have to ask the Lt. for the Memo. Sgt. Lujan asked why we had taken too long in going 10-8 and I explained that I was still trying to complete the log sheet and that's why it took us some time to go 10-8. Sgt. Lujan stated well that's a good excuse and kind of (smirked) laugh at it. Officer Portillo advised Sgt. Lujan that it was not right to be smiling while he was writing us up and why was he making fun of the incident. Sgt. Lujan added that he was not smiling or making fun of the incident that he was only documenting it. Sgt. Lujan did add that the incident was not going anywhere and that it was going to remain in our file and then disappear. Officer Portillo asked Sgt. Lujan if it is going to disappear why write it up. Sgt. Lujan stated go ahead and sign it and write your version on the paper of why you did that. I wrote down why we had not cleared the call because I was working on the log and signed it. I gave the form to Sgt. Lujan. Officer Portillo asked Sgt. Lujan are we going to get overtime for this because we were already off. Sgt. Lujan stated to go ahead and put in for the over time that he would approve it. I told him that it was ok I can give the city the time and walked off. I found out that Sgt. Lujan completed my overtime for that day the next day. I felt that Off Portillo wanted his memo back because if he didn't get it back Sgt. Lujan was going to continue to write us up for any little thing we did.

- b. Did Sgt. Lujan address the incident with both of you after you got back to the station? Yes
- c. Did Off. Portillo state to you why he wanted to rescind the memo? Yes
- d. Did you feel Lujan was writing up the incident on question 3a. because Off. Portillo wrote the memo about Off. Elizalde, based on what Lujan said to you at the station? Yes I felt that because of the memo any other incident that would occur in the future would be written up by Sgt. Lujan. I know this because he has done this in the past and when he returned back from his leave. Sgt. Bentley was placed in charge of scheduling instead of Sgt. Lujan and that probably got him upset. Sgt. Lujan addressed the shift and looked upset when he stated something to the effect of "I ca

DH 1978

Page 3 of 5
 PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

- e. n't believe you(meaning the shift) had gone to the Lt. to complaln about your days off. I do all this for you and this is how you repay mc." I know he talked to one officer about having his flashlight on his belt instead of having it readily available and possibly wrote a blue team on it. This is one of the officers that asked about the days off. The blue team writing ls probably going to continue because Sgt. Lujan has a way of retaliating against officers for asking for stuff that causes him to directly be affected by their requests.
4. On 9-14-16 it shows you on the schedule as working with Off. Elizalde. Have you been given a chance to view the work schedule?
 - a. On 9-14-16, were you present in the shift mceeting room when Sgt. Lujan asked Off. Elizalde if she was going to take the Detectives Test? If so, can you describe the discussion in detail, to include all verbal and non verbal expressions made by both parties? Yes. Sgt. Lujan asked the shift who was going to take the Detectives test. Sgt. Lujan then asked Martina and there was no answer from her. Sgt. Lujan asked ber again and there was still no answer as she looked down and stared at her log sheet. The shift meeting room was quiet and no other comments were made.
 - b. Did Off. Elizalde ever "became angry, making a faclal scowl, shrugging her shoulders and not providing a verbal response"? Off. Elizalde has the same expression on her face being angry or normal I didn't notice the difference.
 - c. Do you recall if Off. Elizalde responded in "unreasonable anger" in her voicee saying "I don't know" to Sgt. Lujan? I don't recall if she answered or not.
 - d. Did Off. Elizalde ever mention to you during the time you were full crew with her, about how she felt during the discussion? No
 - e. Did you hear any comments made by the Officers/Sergeants during shift meeting or after shift meeting about how they felt about it or how they perceived what had happened during that diseussion? I don't' remember
 - f. Did you perceive tension in the shift meeting room during this discussion?If so by whom? Explain. Yes by Sgt. Lujan he looked bothered by Off. Elizalde not answering him. His face became flushed and a little red.
 5. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?
 6. Please identify any other persons who might have information relative to this investigation?

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it ls after hours, then

DH 1978

Page 4 of 5
 PUBLIC RECORDS INFORMATION ACT
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

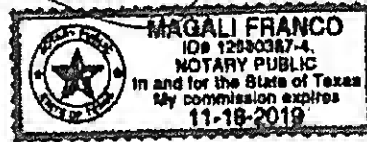
I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE Holguin #1978_GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

J. Holguin #1505

Subscribed and sworn to before me, the undersigned authority, on this 22th day of December, 2016.

[Signature]
NOTARY PUBLIC STATE OF TEXAS

Witnesses:



DH 1978

Page 5 of 5
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



**EI PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, EP, TX 79903
PHONE: 915-212-4000

This statement is given to: Detective D. Holguin 1978
 of the El Paso Police Department Internal Affairs Division
 by: Sgt. A. Ramirez #1961
 Date & Time: 12/20/2016 @ 0650 hours

My name is Arturo Ramirez and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 07/31/1998. I am currently assigned to the MVRCC. I have been informed that I am a witness in this administrative case. I understand and acknowledge, as indicated by my signature on this statement, the following:

- (a) Department policies, procedures, rules and/or regulations require that all employees will cooperate fully with the Internal Affairs Division during an administrative investigation.
- (b) Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, my status as a witness will change and I will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I am providing the following administrative witness statement to Detective D. Holguin 1978, the El Paso Police Department Internal Affairs Division; on or about November 11th, 2016 a Blue Team Report was generated on multiple incidents involving Off. M. Elizalde #1817. The incidents occurred July 23rd, 2016, July 29th, 2016, Sept. 14th, 2016, and Nov. 6th, 2016.

1. You have been provided a copy of the work schedules for the above dates and have you reviewed them?

Yes, I have reviewed the work schedules.

2. On July 23rd, 2016, were you working? No, I was not working July 23, 2016.
3. On July 29th, 2016, were you working? No, I was not working July 29, 2016.
4. On Sept. 14th, 2016, were you working? No, I was not working Sept. 14, 2016.

DH 1978

Page 1 of 3

PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO:

5. On Nov. 6th, 2016, were you working? No, I was not working Nov.6, 2016.
6. You have been provided the Blue Team Report from Nov. 11th, 2016 and a statement that was taken on Sept. 24th, from Witness Cavazos. Have you reviewed these documents?

Yes, I have reviewed the Nov, 11,2016 Blue Team and the statement from Witness Cavazos.

7. You were not working on July 23rd, 2016, however, are you aware of an incident that happened with Off. Elizalde threatening a probationer, Mr. Cavazos? If yes, how did you become aware of this?

I recall Sgt Bentley mentioning that Sgt Lujan had made an issue about the incident. Sgt Bentley was bothered that he had addressed the incident the day off and that Sgt Lujan had brought up the problem again with Lt Salcido and was looking to write up Officer Elizalde about the incident. I think what bothered Sgt Bentley was that Sgt Lujan was not even working the day off and was turning it into an issue.

8. You have been provided a copy of the work schedule for Sept. 24th, 2016. Have you reviewed the schedule?

- a. A statement was taken on Sept. 24th, 2016 by Off. Gilbert Sanchez. The statement taken was from Mr. Cavazos, a probationer that worked the carwash at MVRCC on July 23rd, 2016. Were you aware that Off. Sanchez took this statement from Mr. Cavazos, since you were the only supervisor working?

No, I was not aware that Officer Sanchez took a statement from Mr Cavazos.

- b. Did Off. Sanchez tell you he was going to take the statement and the reason why? If yes, explain.

No, I was not told by Officer Sanchez that he was going to take a statement from Mr. Cavazos.

- c. Were you ever asked to take the statement from Mr. Cavazos?

No, I was not asked to take a statement from Mr. Cavazos.

- d. Did you offer to take the statement from Mr. Cavazos or sit in on the interview?

No, I did not offer to take a statement from Mr. Cavazos nor, did I sit in on any interview with Mr. Cavazo.

9. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?

I do not have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation

10. Please identify any other persons who might have information relative to this investigation?

Lt Salcido, Sgt Lujan, Sgt Bentley.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. Det. D. Holguin #1978_GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

CTR #1961

Subscribed and sworn to before me, the undersigned authority, on this 30th day of December, 2016.

[Signature]
NOTARY PUBLIC STATE OF TEXAS

Witnesses:



DH 1978

Page 3 of 3

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



**EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM**

Name & ID: Art Ramirez #1961 **Rank:** Sergeant **Assignment:** MVRCC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case #IA16-0475

You have been identified as a witness in the above referenced administrative investigation. You will be asked questions related to your personal knowledge of events that are at issue in this administrative investigation. Pursuant to Department policies, procedures, rules and/or regulations all employees will cooperate fully with the Internal Affairs Division during an administrative investigation. Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, your status as a witness will change and you will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

You are also advised that your status as a witness will change to an accused officer if you make admissions during the investigation or evidence establishes that your conduct amounts to a deviation from or violation of Department policies, procedures, rules and/or regulations, City of El Paso policies, procedures, rules and/or regulations, Civil Service rules and regulations or the laws of the United States and Texas. In the event that such occurs, you will be notified accordingly and you will be entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I have been advised of my rights and do fully understand them.

Officer's Initials AR 1961

Confidentiality Order

You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Det. D. Holguin 1978 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials AR 1961

AR 1961
Officer's Signature

[Signature]
Witness Signature

12-30-2016 07:30 hrs
Date/Time

12-30-16 / 07:31 hrs
Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



**EI PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, EP, TX 79903
PHONE: 915-212-4000

This statement is given to: Detective D. Holguin 1978
of the El Paso Police Department Internal Affairs Division
by: Off. G. Sanchez #2278
Date & Time: 12-28-16 0900hrs

My name is Off. Gilbert Sanchez and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of September 7, 2001. I am currently assigned to the MVRCC_Patrol #1 shift. I have been informed that I am a witness in this administrative case. I understand and acknowledge, as indicated by my signature on this statement, the following:

- (a) Department policies, procedures, rules and/or regulations require that all employees will cooperate fully with the Internal Affairs Division during an administrative investigation.
- (b) Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, my status as a witness will change and I will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I am providing the following administrative witness statement to Detective D. Holguin 1978 the El Paso Police Department Internal Affairs Division; on or about November 11th, a Blue Team Report was generated on incidents involving Off. M. Elizalde #1817. An incident happened on July 23rd, 2016 where Off. Elizalde came in for a car wash to the MVRCC and confronted a probationer working the carwash. Please answer the below listed questions.

- 1. Have you been allowed to view the work schedule for July 23rd, 2016? **Yes**
- 2. Have you been allowed to view your logsheet from July 23rd, 2016? **Yes**
- 3. Were you working the carwash that day? **Yes**
- 4. Can you explain the process for the units entering the wash area? When patrol units enter the Adult Sally Port area, the person in charge of the water hose

DH 1978

Page 1 of 6
 PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

begins to spray them if he is not busy rinsing another vehicle that is already in there.

5. Did you see what happened when Off. Elizalde pulled into the carwash area? If so, explain. No, I didn't see when Officer Elizalde pulled into the carwash area. I was walking into the station through the other rear door to go get a supervisor vehicle from the front of station. I did see a patrol vehicle enter the back parking lot but I didn't know which officer(s) was in it. As I entered station, I heard some tires screeching loud so what I thought was an emergency call came out and that patrol unit was leaving quickly.
6. When you got back into the Sallyport area of the station, what did you see? I saw a patrol vehicle just parked right outside the exit to the adult sallyport and I was a little confused since units are washed inside the sallyport.
7. Were you approached by anyone and if so whom? Yes, I was approached by a male probationer which was Humberto Cavazos and he told me "sir that female sergeant just got mad and yelled at me". We didn't have any female sergeants on our shift so I looked to see if I saw a patrol vehicle from another region and I didn't. I asked him what she told him and he said "as I sprayed the water on the car, the officer peeled out fast and then parked and she come up to me and said don't do that again or I will kick your fucken ass". He said it was the lady with the accent. He didn't know what he had done wrong. I then looked at the vehicle number that was parked outside the sallyport exit and I went inside the station and observed Officer Elizalde and Officer Minjares in the station so that is when I knew that Officer Elizalde was that female officer that yelled at Mr. Cavazos.
8. What was explained to you by Mr. Cavazos? Mr. Cavazos said that after he sprayed the water on a vehicle, the officer peeled out and parked the vehicle and that is when the female officer approached him and said "don't do that again or I am going to kick your fucken ass." Mr. Cavazos said that he didn't know what he had done wrong.
9. What did you say to Mr. Cavazos? I told him we don't have any female sergeants but since Mr. Cavazos told me it was the lady with the accent and I saw which vehicle number it was and Officer Elizalde was at station, that is when I knew it was her.
10. Did Off. Elizalde threaten Mr. Cavazos at any time by saying "don't you ever fucking do that again or I am going to kick your fucking ass" or something similar? Yes, that is what Mr. Cavazos told me that she said to him.
11. Did Mr. Cavazos say how he felt about what Off. Elizalde said to him? Yes, Mr. Cavazos told me he felt scared only because he thought he was going to get kicked out of community service and he wasn't going to be able to finish his hours that he needs to.
12. Did Mr. Cavazos say he wanted to give a statement about what had happened? On that day of incident, July 23, 2016, he didn't want to do a statement, he just told me so that I was aware of what happened.
13. Did you speak with any supervisor that day of the 23rd of July, 2016, about what happened with Off. Elizalde and Mr. Cavazos? Yes I did. I spoke with Sgt.

- Bentley #2118 about the incident that occurred with Officer Elizalde and Mr. Cavozos.
14. On July 23rd, 2016, what did you say to Sgt. Bentley? I told Sgt. Bentley what Officer Elizalde said to Mr. Cavozos which was "don't do that again or I am going to kick your fucken ass" because he sprayed the water on her vehicle as she pulled into the sallyport.
 - a. What did Sgt. Bentley say to you? Sgt. Bentley told me that he would speak with Officer Elizalde about the incident.
 15. Did you speak with Off. Elizalde about what happened with Mr. Cavazos? No, I didn't.
 - a. Did you see Sgt. Bentley speaking with Off. Elizalde? Did you hear the conversation? If so, what was said? Yes I did see Sgt. Bentley talking to Officer Elizalde and I know it was about the carwash since I heard Officer Elizalde say "well I got scared when the water hit my windshield".
 16. Did Sgt. Bentley speak to you after he spoke with Off. Elizalde? Yes he did and he told me that Officer Elizalde told him that she got scared when the water hit her windshield. I told him I would arrange a signal with Mr. Cavazos or whoever is working the water hose so no incidents like this occur again.
 17. Did you speak with Mr. Cavazos on July 23rd, 2016 about the spraying of the units coming in to the carwash? Yes, I did and I told him that if he hears a honk or a horn that its me driving the vehicle and he can spray the vehicle as I enter the sallyport but if he doesn't hear a honk/horn then not to spray vehicle until officer(s) get out of it.
 18. On July 23rd, 2016, did Mr. Cavazos ever say he felt threatened by Off. Elizalde? No. On that day, Mr. Cavazos didn't say he felt threatened by Officer Elizalde. He said he felt scared that he was going to get kicked out of community service and that he wouldn't be able to complete his hours.
 19. Did you ever see Sgt. Bentley speak with Mr. Cavazos? No.
 20. Did Sgt. Bentley ask you if Mr. Cavazos wanted to make a complaint against Off. Elizalde? Yes he did but I told him Mr. Cavazos didn't want to make a complaint against Officer Elizalde.
 21. Did you ever approach a different supervisor after the incident occurred and speak about the incident with Off. Elizalde that occurred on July 23rd? If so, what was said to whom? Yes, the following week which was Saturday, July 30, 2016, I told Sgt. Lujan #1390 that I didn't want to have any problems with Officer Elizalde in reference to the carwash like what happened the previous Saturday and that is when he asked what happened and I told him.
 22. When you told Sgt. Lujan about the incident, what did he say to you? Sgt. Lujan then asked if I told a supervisor and I told him that I told Sgt. Bentley and he addressed the issue with Officer Elizalde. Sgt. Lujan also asked me if Sgt. Bentley wrote anything up on it and I asked when he meant by that. Sgt. Lujan then stated Sgt. Bentley didn't write up a supervisor's log or something on this issue and I told him I don't think so since he address the issue with Officer Elizalde and I fixed the issue with Mr. Cavazos with the signaling of the horn for with patrol units enter the adult sallyport.

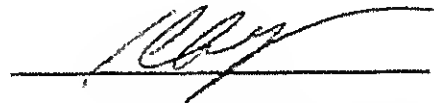
23. Were you ever approached by a supervisor on a different date about the incident? If So, whom did you speak with? I am not sure of the dates hut I was approached by Sgt. Lujan and Lt. Salcido #1649 about the incident.
- When did this occur? I om not sure of the dates.
 - What was asked by Sgt. Lujan? Sgt. Lujan just asked me again what had hoppedned with Officer Elizalde and Mr. Cavazos ond I told him again.
 - What was osked by Lt. Salcido? Lt. Salcido asked bim what happened with the incident with Officer Elizalde ond Mr. Cavazos aad I told bim.
24. Were you asked or told by a supervisor to toke a statement from Mr. Cavazos? On Friday, September 23, 2016, I was told hy Lt. Salcido to ask Mr. Covazos if he wanted to give a statement about what had happened with him and Officer Elizalde.
25. Have you been able to review to statement thot was given to you by Mr. Cavazos? Yes.
- What is the date of the statement? September 24, 2016.
 - When did Mr. Cavazos state the incident boppened Off. Elizalde? Mr. Cavoazos didn't know that exact date of incident so I hod to look back at schedules to cbekk which date it vos. He put July 23rd, 2016 on his statement as that is what I told him.
26. What supervisor asked you to take the statement from Mr. Cavazos and when? On Friday, September 23, 2016, Lt. Salcido asked me to take a statcmnt from Mr. Cavazos if he arrived to work the carwash which was the next day on September 24, 2016.
27. Why did you wait so long to take a statement from Mr. Cavazos? I wosn't told to toke a statement from Mr. Covazos until Lt. Salcido osked me to. I helieved Sgt. Bentley addressed the issue properly that same day on July 23, 2016 and nothing else was needed.
28. Did Mr. Cavazos tell you why he woited so long to give a statement? On that same day of incident, Mr. Cavazos told me he didn't want to make a complaint against Officer Elizalde and just told me what happened so that I was aware. He was more scared of getting kicked out of community service aad I told him thot be wouldn't be kicked out.
29. Did Lt. Salcido speak with Mr. Cavazos? No
30. Whea you obtained the statement from Mr. Cavazos, why was Lt. Salcido's name on the statement aad not yours? I just made a mistake on it. Since ultimately the statement was going to be given to Lt. Salcido, I just didn't change his name to mine. My mistake.
31. What did you do with Mr. Cavazos' statement when it was complected? I had Mr. Cavazos sign his statement and I held onto it until Lt. Salcido returned to duty and then I gave it to him.
32. Have you spoken with Mr. Cavazos about the statement since the statement was taken? If so, what was sald? No, I have not spoken to Mr. Covazos since the statement was taken or about the incident in general.

33. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation? Yes, I believe that this issue was addressed properly by Sgt. Bentley on July 23, 2016 and I fixed the issued with Mr. Cavazos about the born signal when units approach the sallyport. There hasn't been anymore issues with the carwash since that day at least when I have worked the carwash. Officer Elizalde could've handled the incident differently since the carwash has been going on for several years and its nothing new when a probationer sprays the woter on the patrol vehicles os they drive into the sally port. It is nothing new to Officer Elizalde or any of the other officers. I believe this issue was handled properly and correctly by Sgt. Bentley and it shouldn't have been blown out of proportion.

34. Please identify any other persons who might have information relative to this investigation? Mr. Cavazos, Sgt. Lujan #1390, Lt. Saleido #1649. Officer Elizalde #1817, Officer Minjares #1505 and myself.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is oter hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE Holguin #1978_GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

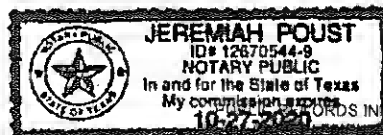


Subscribed and sworn to before me, the undersigned authority, on this 28th day of December, 2016.



2461
NOTARY PUBLIC STATE OF TEXAS

DH 1978



Page 5 of 6
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN OTHERWISE
DATE 12/10/18 BY C1722 TO D Nathan

Witnesses:

DH 1978

Page 6 of 6
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, El Paso Texas 79903
PHONE #: 915-212-4000

This statement is given to: Detective D. Holguin 1978
of the El Paso Police Department Internal Affairs Division
by: Off. Martina Elizalde #1817
Date & Time: 1-5-17 / 830 hours

My name is Martina Elizalde, and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission/promotion of 10-11-96. I am currently assigned to MVRCC. I have been ordered to give an Administrative Statement to Detective D. Holguin #1978 of the El Paso Police Department/Internal Affairs Division and address the following issues:

- You are the target of an administrative investigation under case number IA 16-0475. You are being questioned as part of the administrative investigation under same case, by the Internal Affairs Division of the El Paso Police Department into potential violations of Department or City of El Paso policies, procedures, rules and/or regulations. Thus, the sworn statement you will provide is considered to be a sworn statement. Do you understand this?
- 1) You are being ordered to answer questions specifically, directly and narrowly related to the performance of your official duties on or about July 23rd, 2016. Therefore, you are being given a direct order to disclose any and all information about the events at issue in administrative case IA16-0475. Do you understand this?
 - 2) This administrative statement is being compelled under direct order from Internal Affairs. Therefore, you are entitled to all applicable rights and privileges guaranteed under the relevant laws of the United States and State of Texas as well as City of El Paso Civil Service Rules and Regulations, and the contract between the City of El Paso and the EPMPOA. Do you understand this?
 - 3) If you refuse to answer questions or give false or intentionally incomplete information, such can result in disciplinary action against you up to and including termination. Do you understand this?

DH1978

Page 1 of 9

PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

- 4) The matters under investigation in this administrative investigation are non-criminal in nature. Do you understand this?
- 5) No answer given by you or evidence derived from the answer may be used against you in any criminal proceeding brought against you, except for perjury. Do you understand this?
- 6) *Garrity* protection does not apply in the event that you commit perjury or obstruct justice in this investigation. Do you understand this?
- 7) Anything you say during this administrative interview may be used against you in any subsequent Department charges. Do you understand this?
- 1) You have the right to consult with a representative of the El Paso Municipal Police Officers Association (EPMPOA) and have him/her present during the interview only. Do you understand this?
 1. After being informed of this right, I Martina Elizalde have voluntarily opted [to have or not to have] an EPMPOA representative present during the interview in administrative case IA16-0475.
 2. The EPMPOA representative that was present during my interview was _____.
- 2) Do you have any questions concerning these rights that have been explained to you?

On or about November 11th, 2016, Sgt. L Lujan #1390 generated a Blue Team Report on incidents involving your conduct in regards to certain incidents. In the Blue Team there was written an allegation of policy violations contained and as defined in the City HR Administrative Policies and Procedures under Violence in the Workplace (Oct. 2015). Please answer the below questions in regards to incidents that occurred on 7-23-16/ 9-14-16 and 11-5-16.

1. An incident that occurred on 9-14-16, listed in the Blue Team report where during shift meeting, you were directly asked by Sgt. Lujan if you would be taking the Detective's test and you did not reply. Can you explain why you did not reply?
I did not reply because I felt that it was a personal question and I felt uncomfortable with it in front of the whole shift.
 - a. The Blue Team states that you "became angry, making a facial scowl, shrugging your shoulders and not providing a verbal response". Did you do this? If yes, why?
I neither became angry nor did I scowl. I merely did not respond at first.

- b. The Blue Team stated you responded with "unreasonable anger" in your voice saying "I don't know"? Were you angry?

Maybe I finally said that I did not know after thinking what to reply as I did not want to answer that, to me, personal question, in front of the shift. *However, the allegation is that I did not provide a verbal response – but then all-of-a-sudden I did. What exactly am I accused of – not answering a personal question or providing an answer the Sergeant did not like?*

- c. Did you state "I don't know" in an angry or abrupt manner? If so, why?

I probably stated "I don't know" just to answer Sgt. Lujan. I do not know how Sgt. Lujan presumes to know my feelings as far as anger or anything else but he seems to do this a lot – guessing or judging how I feel, don't feel or should feel.

- d. How did you feel when Sgt. Lujan asked you the question in front of other officers?

I felt put on the spot. To me this was a personal question and if he had asked me that one-on-one I probably would have told him.

- e. Was there anything wrong with how the question was asked to you that caused you to react the way you did?

This was a personal question to me, that I did not want to answer with the whole shift there. And I do not think that there was anything wrong with the way I reacted. I was struggling with a reply as just ignoring the Sergeant would have been rude and "I don't know" was one way to answer a question that I did not want to answer in front of everyone.

- f. The way your reaction was perceived is that it was "conduct that is detrimental to a positive working environment". Do you believe your reaction to the question was positive? If so, why?

My reaction and my answer "I don't know" to this question was neither positive nor negative. It was: "I don't know".

- g. Did you notice how the other Officers reacted to the conversation between you and Sgt. Lujan? If you did, what did they do?

No, I did not notice how the other Officers reacted but I imagine there was no unusual reaction as it was a question with an "I don't know" answer.

- h. Did any supervisor address the issue with the way you responded?

I do not know as I was not told by anyone, to include Sgt. Lujan that he had a problem with my "I don't know" answer.

- i. Do you believe your "gestures, tone of voice, and response on 9-14-16" were "intimidating and hostile" to Sgt. Lujan and other shift members present?

I did not make any gestures and cannot imagine why a simple "I don't know" to a personal question in front of the shift would be construed as "intimidating and hostile".

- j. Do you normally stay quiet when asked a question by a supervisor? If not, why did you this time?

- When I am being asked a question I answer it. Some questions get answered "I don't know", some get answered "Yes", some "No" and some elicit a longer answer, depending on the question.
- *One allegation is that I did not provide a verbal response – the other allegation is that I did respond. What exactly am I accused of – not answering a personal question or providing an answer the Sergeant did not like?*

- k. How do you normally speak to supervisors?

I address supervisors appropriately with Sir, Ma'am and do not use their first names (even if invited to do so) and try not to be too familiar (buddy-buddy) with a supervisor, especially in front of other Officers.

2. According to the Blue Team report an incident occurred on 7-23-16 where it was alleged that you "threatened to assault a probationer."

- a. You have been provided your log sheet for this day and have had a chance to review it, is this correct?

Ycs.

- b. According to Off. Minjares you were driving that day and on the logsheet you had a B-2 to the station for a carwash. Can you explain what happened when you drove into the Sallyport at MVR?

As I approached the entrance to the sallyport (about where we would normally swipe to open the gate), a probationer with a water hose stepped forward and directed the entire spray onto my windshield, completely blocking my view (zero visibility). I stopped the car. The probationer then directed the spray away from my car and I proceeded to drive into the sallyport. As soon as the car moved forward, he directed the entire flow of the waterhose back onto my windshield,

again completely eliminating any forward view, neither able to see if anyone was in front of me (there were a lot of probationers in the sallyport), nor being able to park my car in any available space. I stopped the car again and again, he stopped spraying. I got out of the car and walked up to him and, with a raised voice, I told him something about spraying water on a windshield when the car was moving and to wait until the car is parked. I do not recall the exact words I used but I am sure the "f.." word was included (as in "fucking stupid thing to do").

- c. Did you speak with a supervisor about the incident? If so whom and what was said?

Yes. A few minutes after I walked into the station, Sgt. Bentley came up to me and asked me about the incident. I told Sgt. Bentley about what had happened – the probationer spraying my windshield twice to the point of no visibility while I was driving and that I yelled at him for doing so.

- d. Did you "peel out" in the vehicle? If so, explain how that happened?

No I did not peel out – the ground was wet from washing the cars and my tires may have slipped temporarily on the wet surface as I accelerated to get out of the sallyport and away from the probationer with the water hose because I did not want to get sprayed on the windshield again when I started moving the car. I stopped about 10-feet outside the sallyport and parked the car there.

- e. Did you say "don't you ever fucking do that again or I am going to kick your fucking ass" or something similar, to a probationer who was working the car wash? If so, why?

I do not recall the exact words I used but I am sure the "f.." word was included (as in "fucking stupid thing to do"). I was advised that two people heard me say to the probationer that I was going to kick his ass. I don't remember saying that, but it is a possibility that I did as I was upset and angry because him spraying the window like that twice, leaving me without visibility while driving, left me feeling without control and I could have crashed into the fence or another probationer.

This incident, at that moment, made me feel angry but was no big deal to me because after I had words with the probationer, this incident was out of my mind and that may also be why I do not recall the exact words I said.

- f. Do you believe any other person who observed the conversation with you and the probationer would have seen the exchange as threatening in any way?

If anyone who would have observed and/or experienced the completely unsafe thing (not to mention rude) this probationer did by spraying water onto the windshield of my moving car to the point that I had absolutely no visibility and was unable to see who or what was in front of me -- and did this twice in a row - I believe that person would have had some words with that probationer, too. I am not sure how this could be seen as "threatening" except of that this probationer's willful actions threatened the safety of everyone in the sallyport, as I easily could have wltber struck an object or a person, due to not being able to see out the windshield.

- g. Were you advised by Sgt. Bentley that the incident was going to be documented?

No.

- h. What did Sgt. Bentley tell you was going to happen in regards to this incident?

I think on tape I answered "nothing" but I do recall that Sgt. Bentley said that he asked the probationer what he wanted to be done and the probationer said that he only wanted the Sergeant to talk to me about this.

- i. Did any other supervisor speak with you about the incident? If so whom?

No.

- j. What did the probationer say to you?

I do not recall him saying anything, mainly because I walked away after what I had to say to him.

3. The Blue Team report stated on 11-5-16, an Employee Discussion Record in e-mail form, was given to you by Sgt. Bentley on Officer Safety regarding handcuffs. The questions below are on your reaction to receiving the email from Sgt. Bentley.

- a. Have you been given a copy of the EDR/email to review?

Yes.

- b. Did you say "I don't give a fuck; handcuffs have never been deadly weapons." Or something similar? If so why?

When I saw the e-mail, I was taken by surprise as I thought that the verbal conversation on 11/01/2016 with Lt. Salcido had taken care of

that issue. When I saw what I was supposed to sign, I said something like "what the fuck?". I then told Sgt. Bentley what had happened – I let my 10-15 make a phone call by letting him step out of his cell, uncuffing his right hand (as he was right-handed) and then let him use the telephone to call, while the handcuffs were still attached to his left wrist. I was standing right next to the prisoner (on his left side), watching him, and when he was done, I properly cuffed him and asked him to have a seat back in the holding cell. The whole time, Lt. Saleido was standing a few feet away, watching us and a few minutes later, Lt. Saleido took me aside, advising me about the safety issue of having the handcuff hanging off the 10-15's wrist as it could be used as a deadly weapon in case of an assault. I agreed with Lt. Saleido about it having been unsafe for me to have done that and told him that I did see his point (albeit not the "deadly" part) and that this was not going to happen again. I believe I even thanked him for bringing it to my attention.

- e. Did you use a loud angry voice? If so, why?

No, I did not raise my voice, nor was my voice angry, as I was not angry about the e-mail – more like surprised as I thought that the issue had been solved by the Lieutenant pointing out my mistake right after it happened.

- d. Did you mean any disrespect to any supervisor at any point?

I neither meant to nor do I believe that I did disrespect any supervisor as this whole thing was not directed to any supervisor.

- e. The manner in which you responded was believed to be "conduct (that) displayed unreasonable anger in the work place". Do you believe your response was reasonable?

I was NOT angry and again, who is to judge anyone as to how they feel?

- f. Did Sgt. Lujan speak with you at any point? If so what was said?

No, I do not recall Sgt. Lujan speaking to me or even being around (even though he probably was as this occurred right after the shift meeting) and this had nothing to do with Sgt. Lujan.

- g. Did any supervisor speak with you about how you expressed yourself? If so who?

No.

4. Have you been provided and given a chance to read the HR Administrative Policies and Procedures on Violence in the Workplace Policy?

Yes.

- a. Based on what you read, do you believe you have exhibited Hostility: (hatred unreasonable anger or antagonism. Acting in an unreasonably aggressive manner in any way towards another)? If not, why not?

No. I did not raise my voice, nor was my voice angry, as I was not angry about the e-mail – more like surprised as I thought that the issue had been solved by the Lieutenant pointing out my mistake right after it happened.

If anyone who would have observed and/or experienced the completely unsafe thing (not to mention rude) this probationer did by spraying water onto the windshield of my moving car to the point that I had absolutely no visibility and was unable to see who or what was in front of me – and did this twice in a row, I believe that person would have had some words with that probationer, too. I am not sure how this could be seen as “threatening” except of that this probationer’s willful actions threatened the safety of everyone in the sallyport, as I easily could have wither struck an object or a person, due to not being able to see out the windshield.

- h. Do you believe you have exhibited Violent and/or Threatening Behavior (verbal or physical conduct in the workplace worksite that may be reasonably construed to be hostile in nature, including but not limited to direct or implied threats to do harm to person or to property, including intimidating use of one’s body or physical objects, verbally abusive or intimidating language or gestures)? If not, why not? Explain.

No. At no time did I do or say ANYTHING that other Officers don’t on a daily basis.

5. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?

Yes. This whole investigation and the accusations by Sgt. Lujan covered in this investigation apparently were made by Sgt. Lujan *AFTER* I filed a Hostile Work Environment claim. Sgt. Lujan did this kind of thing before – harassing me and putting me on the spot during a shift meeting and writing me up afterwards as he did not like my response to the work related questions. I may have mentioned it during another investigation and Sgt. Lujan made a reference to this incident (I believe from 2006) on one of the July EDR e-mails I had received from him.

I also want to add that sometime in 2007/2008, my then Family Doctor, Dr. Walker, told me that I did suffer from anger issues and PTSD. At that time, he recommended a Psychologist he had personally dealt with. However, that Psychologist did not accept our health insurance and I was unable to see her. Looking at the DocFind, there were very few Psychologists listed who specialize for those conditions and I called two different ones and both did not take new patients. I feel that this may be a reason why I sometimes may not remember the exact words I use when I get very angry.

6. Please identify any other persons who might have information relative to this investigation?

I do not know of anyone.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE D. Holguin #1978 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Subscribed and sworn to before me, the undersigned authority, on this 5 day of Jan, 2017.



El Paso Police Department Internal Investigations Report

Incident Entered By: LIEUTENANT Lawrence Lujan - 006042
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
11/11/2016	9/14/2016	05:45
Record ID #	Case #	IA #
43168		IA16-0475
Date/Time Entered		
11/11/2016 11:19		

Incident Summary

On 09/14/16, an Incident occurred during shift meeting where Officer M. Elizalde #1817 was unprofessional and hostile (violation of the Violence in the Workplace Policy). This Incident was witnessed by the officers in the shift meeting to include Lt. Salcido #1649 and Sgt. Bentley #211B.

Specifically, on 09/14/16 and during the shift meeting Officer M. Elizalde was directly asked if she would be taking the detectives test. Even though Officer Elizalde was sitting directly to my right, she did not respond, intentionally ignoring both me and the question and she had to be asked two more times. On the third request she became angry, making a facial scowl, shrugging her shoulders and not providing a verbal response. She was asked a fourth time and responded with unreasonable anger saying "I don't know". The question was asked in order to be able to account for staffing on the day of the Detectives Test. She had previously brought it to my attention that she would be taking the Detectives test. Her hostile response is conduct that is detrimental to a positive working environment, and demonstrates an unapproachable manner. Her gestures and response on that date were intimidating and hostile and caused an immediate reaction by the shift. This hostility is a violation of the Violence in the Workplace Policy.

I immediately began an Employee Discussion Record to document this conduct (violation of the Violence in the Workplace Policy).

I was aware of a previous Incident where the employee violated the Violence in the Workplace Policy (threatened to assault a probationer) and which had per the supervisor on duty (Sgt. Bentley #211B) been documented in the employee's personal personnel file that Sgt. Bentley said he keeps separately from the personnel file. Sgt. Bentley told both Lt. Salcido #1649 and me that he had documented the Incident. This Incident occurred on 07/16/16 and she allegedly told a probationer "don't you ever fucking do that again or I am going to kick your fucking ass" due to his having splashed her windshield during the car wash. This issue was addressed by Sgt. Bentley and witnessed in part by Officer Gilbert Sanchez #227B (desk officer) and her partner on that day (Officer J. Minjares #1505). See attached Victims (Cavazos) statement.

Having drafted the EDR to document the new Incident, I asked for Sgt. Bentley's documentation of the first Incident so that I could attach it as supporting documentation. At this time, he advised that he had not documented the Incident. I presented the draft EDR to Lt. Salcido and was advised to complete the investigation upon my return from a month's leave.

On 07/29/16 there were two incidents of not maintaining an approachable manner documented in an EDR.

On 07/29/16 there was memorandum submitted by Officer P. Portillo #1332 documenting an unapproachable and hostile work environment on the part of Officer Elizalde.

On 11/05/16, Sgt. S. Bentley #211B issued Officer M. Elizalde an Employee Performance Record (EPR) drafted by Lt. Salcido. That EPR documented an incident where she was observed to create an officer safety issue involving allowing her prisoner to be partially handcuffed. She was given the notice to sign, in the shift meeting room, after the shift meeting by Sgt. Bentley. She was heard to respond in a loud and angry voice, "I don't give a fuck; handcuffs have never been deadly weapons." This is another display of unreasonable anger in the work place. See attached copy of EPR.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOV. CH. 552)

<http://pdhq-web01/BlueTeam/Unrestricted/IncidentReport.aspx?EPR=43168&IA=0475>

DATE: BY: TO

12/10/18 C1722

D Nathan

Incident Location

- 9011 Escobar, El Paso, TX 79907

Involved Officers

DETECTIVE Martina Elizalde - PD ID: 006688

Body Worn Camera: [No Response]

Role

•

Allegations linked to this officer

- Rules/Regs-Rule 5-Major Violations (f) Sustained1/13/2017

Officer Witnesses

SERGEANT Steffan Bentley - PD ID: 006341

Body Worn Camera: [No Response]

Role

•

LIEUTENANT Lawrence Lujan - PD ID: 006042

Body Worn Camera: [No Response]

Role

•

OFFICER Jorge Minjares - PD ID: 002121

Body Worn Camera: [No Response]

Role

•

OFFICER Paul Portillo - PD ID: 001933

Body Worn Camera: [No Response]

Role

•

SERGEANT Arturo Ramlrez - PD ID: 005116

Body Worn Camera: [No Response]

<http://pdhq-web01/BlueTeam/Unrestricted/IncidentReport.aspx?ID=EM7KH16Z10Gb9opS>

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

Approved: Approved

Reason:

Comments:

Commander Ramos; This Blue Team documents allegations of policy violations contained and as defined in the Administrative Policies and Procedures-Violence in the Workplace adopted by the City of El Paso, October 2015, approved by City Manager Tomas Gonzalez. Lt. P.M. Salcido

Routing #2

Sent From: LIEUTENANT Pedro Salcido

Sent To: COMMANDER Roberto Ramos

CC: SR SECRETARY Yolanda Smith,
OFFICER Alejandro Anaya,
SERGEANT Darryn Clark,
LIEUTENANT Maryann Estrada,
OFFICER Estela Salas

Sent Date/Time: 11/18/2016 7:19 AM

Instructions from LIEUTENANT Pedro Salcido to COMMANDER Roberto Ramos:

Commander Ramos; This Blue Team documents allegations of policy violations contained and as defined in the Administrative Policies and Procedures-Violence in the Workplace adopted by the City of El Paso, October 2015, approved by City Manager Tomas Gonzalez. Specifically listed are the annotated alleged violations in relation to the documented employee's conduct in question: Administrative Policies and Procedures-Violence in the workplace Policy Section II Subsection B-Hostility and J Workplace Worksite: On 09/14/16 and during the shift meeting, Officer M. Elizalde was directly asked if she would be taking the detectives test by Sgt. Lujan. Even though Officer Elizalde was sitting directly to the right of Sgt. Lujan, she did not respond, intentionally ignoring Sgt. Lujan and the question. Officer Elizalde was asked two more times by Sgt. Lujan if she was going to take the Detective's test. On the third request Officer Elizalde became angry, making a facial scowl, shrugging her shoulders and not providing a verbal response. Officer Elizalde was asked a fourth time by Sgt. Lujan and Officer Elizalde responded with unreasonable tone of anger in her voice saying "I don't know". Sgt. Lujan asked the question in order to account for staffing on the day of the Detective's Test. Officer Elizalde had previously advised Sgt. Lujan that she would be taking the Detective's test. Officer Elizalde's hostile response is conduct that is detrimental to a positive working environment and demonstrates an unapproachable manner. Officer Elizalde's gestures, tone of voice, and response on 09-14-16 were intimidating and hostile to Sgt. Lujan, Lt. Salcido, other shift members present and further caused alarm and an immediate reaction by the shift. Administrative Policies and Procedures-Violence in the workplace Policy Section II Subsection A Bullying, H-Violent and/or Threatening Behavior and J-Workplace Worksite: Sgt. Lujan was made aware of a previous incident where the employee may have violated the Violence in the Workplace Policy (threatened to assault a probationer conducting the car wash assignment detail) and which had, per the on duty supervisor at the time of the incident; Sgt. Bentley #211B, had documented the incident in Officer Elizalde's personal personnel file that Sgt. Bentley said he keeps separately from the divisional personnel file. Sgt. Bentley told both Lt. Salcido #1649 and Sgt. Lujan #1390 that he had documented the incident. This incident occurred on 07/16/16 and she allegedly told a probationer "don't you ever fucking do that again or I am going to kick your fucking ass" due to the probationer having sprayed water on her windshield during the car wash. This issue was addressed by Sgt. Bentley and witnessed in part by Officer Gilbert Sanchez #227B (desk officer) and her partner on that day (Officer J. Minjares #1505). See attached Victims (Cavazos) statement. Victim Cavazos stated he felt embarrassed, verbally and physically threatened. In addition, victim Cavazos expressed a safety concern for him and others in the area as she drove the police vehicle in an unsafe and reckless manner by "peeling out". Administrative Policies and Procedures-Violence in the workplace Policy Section II Subsection A-Bullying, D-Retaliation, H-Violent and/or Threatening Behavior and J-Workplace Worksite: On 07/29/16 there was memorandum submitted by Officer P. Portillo #1332 documenting and alleging that Officer Elizalde was unapproachable and created a hostile work environment. Officer Portillo later requested to rescind his memo and it is speculated that Officer Portillo felt that there would be retaliation or added hostility if he were to continue with his complaint. Administrative Policies and Procedures-Violence in the workplace Policy Section II Subsection B-Hostility, H-Violent and/or Threatening Behavior and J-Workplace Worksite: On 11/05/16, Sgt. S. Bentley #211B issued Officer M. Elizalde an Employee Performance Record (EPR) drafted by Lt. Salcido in e-mail format. That EPR documented an incident where she was observed to create an officer safety issue involving allowing her prisoner to be partially handcuffed. Officer Elizalde was given the notice to sign, in the shift meeting room, after the shift meeting by Sgt. Bentley. Officer Elizalde was heard to respond in a loud and angry voice, "I don't give a fuck; handcuffs have never been deadly weapons." Officer Elizalde's conduct displayed unreasonable anger in the work place. See attached copy of EPR and EPR initialed by Officer Elizalde. Officer Elizalde has demonstrated through her continuous conduct; violence in the workplace in violation of policy and as defined by Administrative Policies and Procedures Section 1 and Section II Subsections A, B, D, H, and J. Furthermore, Officer Elizalde has exhibited the early warning signs of workplace violence as recognized by a seminar hosted by the City of El Paso and The El Paso Police Department, Reset the Clock presented by Michael J. Mirarchi in April, 2011. In that seminar, the handout lists early warning signs displayed by Officer Elizalde and consist of: history of violent behavior, antisocial behavior, withdrawn, being a "loner", history of interpersonal conflict

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOV'T. CODE CH. 552)

<http://pdhq-web01/BlueTeam/Unrestricted/IncidentReport.aspx?ID=11/28/2018>

DATE: BY: TO:

12/10/18

C1722

D Nathan

Recommendation: forward to Internal Affairs.

To IAD for investigation. I will be scheduling a meeting with IAO leadership and PDHR - Carlos Ramirez.

LA16-0475

OFFENSE REPORTS

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

I N C I D E N T D A T A	Agency Name El Paso Police Department		INCIDENT / INVESTIGATION REPORT				OCA 16-198065	
	ORI TX0710200		Date / Time Reported SA Jul 16, 2016 07:13					
	#1	Crime Incident Equiv Code: 22990002 BURGLARY OF HABITATION	UCR: 220	Local Statute: 30.02(C)(2) PC	<input type="checkbox"/> All <input checked="" type="checkbox"/> Com	Last Known Secure SA Jul 16, 2016 06:30		
D A T A	#2	Crime Incident Equiv Code: 13990031 ASSAULT CAUSES BODILY INJURY / FAMI (SIMPLE)	UCR: 13B	Local Statute: 22.01(a)(1) PC	<input type="checkbox"/> All <input checked="" type="checkbox"/> Com	At Found SA Jul 16, 2016 06:45		
	#3	Crime Incident Equiv Code: 29990042 CRIMINAL MISCHIEF > \$100<\$750	UCR: 290	Local Statute: 28.03(b)(2) PC	<input type="checkbox"/> All <input checked="" type="checkbox"/> Com			
Location of Incident		138 Barunda Ln Apt. B, El Paso, TX 79907			Premise Type		Other Residence	
How Attacked or Committed		Accomplices(None)						
Weapon/Tools		Personal Weapons (Hands, Etc.)						
# Victims		Type Individual	Injury	Apparent Minor Injury		Residency Status		Resident
V I C T I M	Victim/Business Name (Last, First, Middle)		Victim of Crime #		Age / DOB		Race	Sex
	V1 Cadena, Kandy		1,2,3,4		23			
	Relationship to Offenders							
	Home Address				Home Phone			
Employer Name/Address				Business Phone				
VYR		Make	Model	Style	Color	Lic/Lis	VIN	
CODES: V - Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) I = Other Involved Code Name (Last, First, Middle) Victim of Crime # Age / DOB Race Sex Home Address Home Phone Employer Name/Address Business Phone								
CODES: L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown (Check "OJ" column if recovered for other jurisdiction) Victim # UCR Status - Date Value OJ QTY Property Description Make/Model Serial Number 770 D - 7/16/2016 \$400.00 1 00 50" Hd T.v. Set SANYO Number of Vehicles Stolen 0 Number Vehicles Recovered 0								
P R O P E R T Y	ID	Officer (02297) CHAVEZ, ROBERT		Officer Signature		Supervisor Signature (02118) BENTLEY, STEFFAN B		
	Complainant Signature		Case Status Closed/Cleared By Arrest July 16, 2016		Case Disposition Cleared By Arrest July 16, 2016			

Printed at: 12/16/2016 09:08 by user: 1978

Page: 1

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Status Codes L = Lost S = Stolen R = Recovered O = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown										
D R U G S	Status	Quantity	Type Measure	Suspected Drug Type						
O F F E N D E R	Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer		Offender 1 OF1 Age: 24 Race: W Sex: M Ssn:		Offender 2 Age: Race: Sex: Ssn:		Offender 3 Age: Race: Sex: Ssn:		Primary Offender Resident Status <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown	
			Offender 4 Age: Race: Sex: Ssn:		Offender 5 Age: Race: Sex: Ssn:		Offender 6 Age: Race: Sex: Ssn:			
S U S P E C T	Name (L, F M) Cadena, Ivan OF1 AKA Gerardo Cadena, Eppd 411825, Ivan McCorey				Home Address 8726 Old County Dr Apt. 5, El Paso, TX				Home Phone (915) 226-9123	
	SSN:		Occupation Laborer		Business Address Contractors Tile Plus				Business Phone	
	DOB / Age	Race	Sex	Hgt	Wgt	Build	Hair Color	Eye Color		
							Brown	Brown		
						Hair Style	Hair Length	Glasses		
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics) Tattoo/Tattoo Chest-Non-specific									
	Hat		Shirt/Blouse		Coat/Suit		Socks			
	Jacket		Tie/Scarf		Pants/Dress/Skirt		Shoes			
	Was Suspect Armed?		Type of Weapon			Direction of Travel		Mode of Travel		
	VYR	Make	Model	Style/Doors	Color	Lic/Lis	Vin			
Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Type:						
W I T N E S S	Name (Last, First, Middle) Suarez, Ismael				SSN:		D.O.B. 	Age 24	Race W	Sex M
	Home Address 138 Borunda Ln Apt. B, El Paso, TX 79907				Home Phone (915) 856-3823		Employer Job Corps		Phone	
N A R R A T I V E	Sequence #9984									
	FAHV Card Given: (YES)									
	Emergency Protective Order Offered: (YES)					E.P.O. Obtained: (YES)				
	Juvenile Involved: (NO)					Alcohol Involved: (YES)				
	Physical Injury: (YES)					Evidence: (YES)				
	Photos Taken: (YES) Number of photos taken: 8 (Videotape interview and 3 digital photos to include call card.)									
	DIMS Accepted or Declined: ACCEPTED									
	Reason for Decline: N/A									
	Warrant Issued: (NO)									
	Warrant #R/A									
Narrative: Officers P. Portillo #1332 and R. Chavez #2297, working as unit 1F186, was dispatched to										

Printed at: 12/16/2016 09:08 by user: 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Officer's Narrative (continued)

138 Borunda Ln. Unit B in reference to a family related assault. The Officers arrived at the scene and met with the Vi-01 (wife) who stated that the Of-01 (husband) broke into the Vi-01s' apartment and destroyed property and assaulted the Vi-01. The Vi-01 was issued a Family Violence Card and advised on follow-up procedures.

Printed at:12/16/2016 09:08 by user 1978

Page: 3

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Officer's Supplement

Officer 1861

Date/Time Reported SA Jul 16, 2016 07:13

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

EPPO-DIMS

CASE PRESENTATION

OFFENDERS NAME: Ivan Cadena
OFFENDERS DOB: [REDACTED]
OFFENSE: Burglary Of Habitation
FELONY (2ND DEGREE)
QIMS NO.: D16-05360
AOA: Martinez
DATE ISSUED: 07-16-2016
BOND: \$55,000.00
DATE OF ARREST: 07-16-2016
PLACE OF ARREST: 138 Borunda
PRIORS: Yes
SUPERVISOR BOND APPROVAL: Sgt. S. Bentley

EVIDENCE: Video tape, pictures

DISPOSITION: downloaded and turned in.

EPFD-DIMS

OFFENDERS NAME: Ivan Cadena
OFFENDERS DOB: [REDACTED]
OFFENSE: Criminal Mischief Over/\$100.00 - Under/\$750.00
MISDEMEANOR (CLASS B)
DIMS NO.: D16-05363
JUDGE/ADA: Martinez
DATE ISSUED: 07-16-2016
BOND: \$5300.00
DATE OF ARREST: 07-16-2016
PLACE OF ARREST: 138 Borunda
PRIORS: Yes
SUPERVISOR BOND APPROVAL: Sgt. S. Bentley

ASE COMPLETE: YES
(If No Explain in Narrative)

NARRATIVE AND WITNESS STATEMENTS:

Affiant/Officer Paul Portillo #1332 and his partner Officer R. Chavez #2297 were working as unit 1F186. Officers were dispatched to 138 Borunda on a family fight. Officers had information that the offender had left the scene and gone home to his mother's house where he was living, 8726 Old County #5. Officers happened to be closer to 8726 Old County #5 than 138 Borunda and arrived at the offender's address on Old County. The offender was detained and advised he was not under arrest but that a family violence investigation was ongoing. Officers noticed the offender to be intoxicated. Officers transported the

Printed at: 12/16/2016 09:08 by user: 1978

Page: 4

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Officer's Supplement

Officer 1861

Date / Time Reported SA Jul 16, 2016 07:13

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

offender to 138 Borunda #5 to speak with the victim a Kandy Cadena. It was determined that the offender did in fact commit criminal offenses. Officers advised the offender he was now under arrest and was placed in handcuffs. The victim/Kandy Cadena and the offender Ivan Cadena are married to each other but have been separated for approximately one month. The victim advised the Officers that the offender took all his personal belongings and moved out to live with his mother at 8726 Old County #5. The offender does not have keys to the victim's apartment at 138 Borunda #B.

The victim has three children. The victim and offender had the two younger children together. The victim has the witness/Ismael Suarez living with her at the apartment at this time. Victim and witness also have the oldest of victim's three children together.

The victim told Officers that she was asleep in her bedroom with her three children. Victim woke up to find the intoxicated offender standing at her bedroom door. Victim said she asked the offender what was he doing in her apartment as she was getting up from the bed. Victim said the offender suddenly punched her HD TV set twice. The TV set that was on the dresser was destroyed. Victim said it took her two seconds to get to the offender. Victim said she began to physically push and not sure if slapping or scratching the offender to get him out of her apartment as the offender cussed and was moving back while in the hallway. victim said she remembered the offender calling her a "Bitch". Victim said it took her approximately twenty seconds to get to the front door of the apartment. Victim said she arrived at the front door of the apartment still struggling with the offender. Victim said she unlocked and opened the front door and had to pull the offender out of the apartment by his shirt as they ended up just outside the apartment front door on the sidewalk. Victim said it took her about two seconds to pull and get the offender out of her apartment, and while still cussing at the victim and within seconds of being pulled outside, the offender suddenly used an upper cut closed fist punch to strike the victim on her left side jaw area causing extreme pain. Victim said the offender punched her like he would punch a man. Victim said the offender then ran away, got in to his car and left. The Victim will prosecute the offender because she did not give the offender permission or consent to damage her HD TV set nor to assault the victim.

The offender told the Officers that the victim had texted him to go to the apartment. The offender told the Officers that when he arrived, he rang the door bell. Officer Portillo asked the victim if she had a door bell and she stated she did have a working door bell. Offender said the victim answered and opened the door. Offender said he walked in to the apartment and victim was upset because the offender had arrived too late and did not want him there at that hour. Offender said told the victim that he was leaving and going back to the girl he was with. Offender said the victim held on to his shirt not wanting the offender to leave. The offender said he pushed the victim away and left.

The victim said the screen to her front livingroom window had been removed by the offender. The offender went in to the apartment through the open livingroom window after removing the screen.

Officers video taped the victim and took several pictures of the victim's injuries and of the apartment and TV set.

CASE IS NOW READY AND IS BEING PRESENTED TO THE DISTRICT ATTORNEY'S OFFICE FOR FINAL REVIEW AND DISPOSITION

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02297) CHAVEZ, ROBERT

Supplement Type: Witness Interview :

Date/Time 7/16/2016 09:20

IN THE _____
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS

V.

Ivan Gerardo Cadena

(hereinafter referred to as Defendant)

CAUSE NO. _____

MAGISTRATE'S EMERGENCY ORDER FOR THE PROTECTION OF THE FAMILY AND/OR HOUSEHOLD

On this day, the Defendant, Ivan Gerardo Cadena appeared before the undersigned Magistrate after arrest for an offense involving family violence or an offense of stalking under Case No. 16-198065

The Court further finds that a MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION has been requested by the victim, guardian of the victim, a peace officer, attorney representing the state, or the Magistrate pursuant to Tex. Code Crim. Proc. Art 17.292

The Court finds that for the safety of the members of the family and/or household, a MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION is necessary and should issue pursuant to Tex. Code Crim. Proc Art. 17.292.

IT IS THEREFORE ORDERED that the MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION for the safety of Kandy Cadena, Derrick Cadena, and Adrian Cadena, hereinafter referred to as "Protected Parties" is granted. Ivan Gerardo Cadena, is hereby prohibited from the following acts:

- (1) Committing acts of family violence against any member of the protected parties;
- (2) Communicating:
 - (a) directly with any member of the protected parties in a threatening or harassing manner;
 - (b) a threat through any person to a member of the protected parties.
- (3) Engaging in conduct directed specifically toward a person who is a member of the family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass that person.
- (4) Possessing a firearm, unless the person is a peace officer, as

Printed at: 12/16/2016 09:08 by user 1978

Page: 6

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18

C1722

D Nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02297) CHAVEZ, ROBERT

defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

- (5) THE MAGISTRATE MAY SUSPEND A LICENSE TO CARRY A CONCEALED HANDGUN ISSUED UNDER SECTION 411.177, GOVERNMENT CODE, THAT IS HELD BY THE DEFENDANT.

Upon review of the affidavit submitted for the protective order, and at the request of Officer R. Chavez #2297, in open court, the Court further orders that Ivan Gerardo Cadena, is prohibited from going within 200 yards:

Defendant Prohibited 200 yds __X__ of residence located at 138 Borunda Ln Unit B El Paso, TX
 Defendant Prohibited 200 yds __X__ of the place of employment located at El Paso, TX (Unemployed)
 Defendant Prohibited 200 yds __X__ of the Protected Parties, Kandy Cadena, Derrick Cadena, and Adrian Cadena,

Defendant Prohibited 200 yds __X__ of the following child care facility/school where the following children reside/attend:

NAME	FAMILY/CARE FACILITY/SCHOOL	ADDRESS

The Defendant will be allowed a onetime access to the protected address to retrieve essential personal items with a law enforcement escort within 7 (seven) days of the signing of this order. The escort must be scheduled in advance with the law enforcement agency.

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE, STALKING, OR A TRAFFICKING OFFENSE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE AS APPLICABLE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO (2) YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT."

"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

THIS ORDER IS EFFECTIVE UNTIL THE ____ DAY OF ____, 20__ .
 (NOT LESS THAN 31 DAYS AND UP TO 61 DAYS FROM THE DATE OF ISSUANCE)

Printed at: 12/16/2016 09:08 by user 1978

Page: 7

PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

12/10/16 C1722

D Nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02297) CHAVEZ, ROBERT

(OR NO LESS THAN 61 DAYS AND UP TO 91 DAYS FROM THE DATE OF ISSUANCE, IF THE USE OR EXHIBITION OF A DEADLY WEAPON DURING THE COMMISSION OF AN ASSAULT IS MADE) Tex. Code Crim. Proc. Act. 17,292, Subsection (b)(2)

Signed this _____ DAY OF _____, 20____.

MAGISTRATE

Received in open court by:

DEFENDANT

Printed at: 12/16/2016 09:08 by user 1978

Page: 8

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (01332) PORTILLO, PAUL M

Supplement Type: Witness Interview :

Date / Time 7/16/2016 09:21

Witness name file.

Printed at: 12/16/2016 09:08 by user 1978

Page: 9

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02297) CHAVEZ, ROBERT

Supplement Type: Witness Interview :

Date/Time 7/16/2016 09:33

PROTECTIVE ORDERS

Date Entry Form for
TEXAS CRIME INFORMATION CENTER (TCIC)

The intent of this form is to aid court clerks with the collecting and providing to local law enforcement agencies pertinent information regarding protective orders for the purpose of entry into TCIC.

To be filled out by Criminal Justice Law Enforcement Official:

ORI: _____ (check one) PROTECTIVE ORDER: _____ EMERGENCY PROTECTIVE ORDER: _____

OCA: _____ PROTECTIVE ORDER NO: _____ COURT IDENTIFIER: _____

RESPONDENT INFORMATION

Items in ALL UPPERCASE LETTERS must be answered to allow entry into TCIC.

NAME OF RESPONDENT: Ivan Gerardo Cadena SEX (check one) ☒ M ☐ F

RACE: ☐ Indian ☐ Asian ☐ Black ☒ White ☐ Unknown
☐ Non-Hispanic ☐ Unknown

Ethnicity: ☒ Hispanic ☐

Place of Birth (State) TEXAS DATE OF BIRTH: 10-08-1991 HEIGHT: 509 WEIGHT: 190

Skin: ☐ Albino ☐ Black ☐ Dark ☐ Dark Brown ☐ Fair ☒ Light ☐ Lt Brown ☐ Medium ☐ Med Brown ☐ Olive ☐ Ruddy ☐ Sallow ☐ Yellow ☐ Unknown

EYE COLOR: (check one) ☐ Black ☐ Blue ☒ Brown ☐ Gray ☐ Green ☐ Hazel ☐ Maroon ☐ Pink
☐ Multi-Colored ☐ Unknown

HAIR COLOR: (check one) ☐ Black ☐ Blond ☒ Brown ☐ Gray Red ☐ White ☐ Sandy ☐ Bald ☐ Unknown

Scars, Marks and/or Tattoos: (please describe in detail): _____

RELATIONSHIP TO PROTECTED PERSON: Common-law-husband

(PLEASE INCLUDE THE FOLLOWING NUMERIC IDENTIFIERS IF AVAILABLE):

Texas I.O. No: _____ Misc. I.O. No. _____ Social Security No: _____

Driver's License: _____ Driver's License State: Texas Date of Expiration: 10-08-2016

Respondent's Address: _____

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02297) CHAVEZ, ROBERT

Street Old County apt#5 City El Paso State Texas Zip 79907 County: El Paso

Respondent's Vehicle Information:

License Plate No: _____ L.P. State _____ L.P. Year of Expiration: _____ L.P. Type: _____

Vehicle I.D. # _____ Year: _____ Make: _____ Model: _____ Style: _____
Color: _____

To be filled out by Criminal Justice/Law Enforcement Official:

SIDE: _____ FBI#: _____ EPC: _____ MHU: _____

TCIC PROTECTIVE ORDER ENTRY

Page ____ of ____

Protected Child Information Protective Order #

Use as many sheets as necessary to enter protected children
Required fields are marked with an asterisk.

Child #1

Name: [REDACTED] Sex: Male Race: White

Ethnicity Hispanic Date of Birth: [REDACTED]

Name of School or Child Care Facility: [REDACTED]

Home Address: [REDACTED]

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

Page: 11

DATE: BY: TO

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02297) CHAVEZ, ROBERT

Child #2

Name* [REDACTED] Sex* Male Race* White

Ethnicity Hispanic Date of Birth* [REDACTED]

Name of School or Child Care Facility* N/A

Home Address* (street address, city, county, state, zip)

Child #3 N/A

Name* _____ Sex* _____ Race* _____

Ethnicity _____ Date of Birth* _____

Name of School or Child Care Facility*

Home Address* (street address, city, county, state, zip)

Name of child care facility may be entered as an address if it is a private residence.

TCIC PROTECTIVE ORDER ENTRY
Protected Person Information
Protective Order # *

Name* Randy Cadena Sex* Female Race* White

Ethnicity Hispanic Date of Birth* [REDACTED]

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18

C1722

D nathan

Page: 12

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02297) CHAVEZ, ROBERT

Address* (136 Borunda Ln Unit B El Paso, TX 79907)

Protected Person Employment Information: N/A

Place of Employment Name _____

Place of Employment Address _____

Place of Employment Name _____

Place of Employment Address _____

(additional employment info on back _____ yes _____ no)

Miscellaneous: Terms of the Order * check all that apply

____XXX____ Specific distance from protectee 200yds Other:

____XXX____ Prohibit threats and harassment of protectee, household and family

____XXX____ Prohibit interference with protectee's use of property

_____ Prohibit transfer or sale of common property

_____ Children not to leave county

Additional Information on the order.

Other provisions to be entered:

Required Information is marked with an *

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

Page: 13

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (01332) PORTILLO, PAUL M

Supplement Type: Witness Interview :

Date/Time 7/16/2016 10:51

COMPLAINT AFFIDAVIT
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF EL PASO COURT NO. _____

Filing Agency: El Paso Police Department

Offense Report #: 16-198065

Date of offense: July 16, 2016
06:30 am. hrs.

Time of offense:

Defendant Name: Ivan Cadena
birth: [REDACTED]

Defendant date of

Offense: Burglary of Habitation
#22590002

Offense Code:

IN THE NAME AND AUTHORITY OF THE STATE OF TEXAS BEFORE ME, the undersigned authority, on this day personally appeared Paul Portillo #1332, who after being by me duly sworn, on oath deposes and says that he has good reason to believe and does believe that heretofore to wit: on or about the 16th day of July 2016 and before the filing of this complaint in the County of El Paso, the State of Texas, one Ivan Cadena, Hereinafter called the DEFENDANT, did then and there unlawfully, intentionally and knowingly and without the consent of the owner to wit: Kandy Cadena; the person to wit: Defendant: Ivan Cadena entered the habitation, or building(or any portion of a building) not then open to the public, with intent to commit an assault.

Occurred on July 16th, 2016 at approximately 06:30 am. hrs. at 138 Borunda #B while in the City and County of El Paso Texas.

Affiant/Officer Paul Portillo #1332 and his partner Officer R. Chavez #2297 were working as unit 1F186. Officers were dispatched to 138 Borunda on a family fight. Officers had information that the defendant had left the scene and gone home to his mother's house where he was living, 8726 Old County #5. Officers happened to be closer to 8726 Old County #5 than 138 Borunda and arrived at the defendant's address on Old County. The defendant was detained and advised he was not under arrest but that a family violence investigation was ongoing. Officers noticed the defendant to be intoxicated. Officers transported the defendant to 138 Borunda #5 to speak with the victim a Kandy Cadena. It was determined that the defendant did in fact commit criminal offenses. Officers advised the defendant he was now under arrest and was placed in handcuffs. The victim/Kandy Cadena and the defendant Ivan Cadena are married to each other but have been separated for approximately one month. The victim advised the Officers that the defendant took all his personal belongings and moved out to live with his mother at 8726 Old County #5. The defendant does not have keys to the victim's apartment at 138 Borunda #B.

The victim has three children. The victim and defendant had the two younger children together. The victim has the witness/Ismael Suarez living with her at the apartment at this time. Victim and witness also have the oldest of victim's three children together.

Printed at: 12/16/2016 09:08 by user 1978

Page: 14

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (01332) PORTILLO, PAUL M

The victim told Officers that she was asleep in her bedroom with her three children. Victim woke up to find the intoxicated defendant standing at her bedroom door. Victim said she asked the defendant what was he doing in her apartment as she was getting up from the bed. Victim said the defendant suddenly punched her HD TV set twice. The TV set that was on the dresser was destroyed. Victim said it took her two seconds to get to the defendant. Victim said she began to physically push and not sure if slapping or scratching the defendant to get him out of her apartment as the defendant cussed and was moving back while in the hallway. victim said she remembered the defendant calling her a "Bitch". Victim said it took her approximately twenty seconds to get to the front door of the apartment. Victim said she arrived at the front door of the apartment still struggling with the defendant. Victim said she unlocked and opened the front door and had to pull the defendant out of the apartment by his shirt as they ended up just outside the apartment front door on the sidewalk. Victim said it took her about two seconds to pull and get the defendant out of her apartment, and while still cussing at the victim and with in seconds of being pulled outside, the defendant suddenly used an upper cut closed fist punch to strike the victim on her left side jaw area causing extreme pain. Victim said the defendant punched her like he would punch a man. Victim said the defendant then ran away, got in to his car and left. The Victim will prosecute the defendant because she did not give the defendant permission or consent to damage her HD TV set nor to assault the victim.

Against the peace and dignity of the State.

Affiant

Sworn to and subscribed before me on this, the
16 day of July, 2016

Notary Public in and for El Paso County, Texas

Sworn to and subscribed before me, and filed in this court, this the day of ,
20

Probable Cause for issuance of Warrant found.

Judge, Judge,

District Court El Paso Municipal Court #
County Court at Law El Paso Justice Cr. Pct #
Of El Paso County, Texas El Paso Criminal Law Magistrate of
El Paso County, Texas

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION Page: 15
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (01332) PORTILLO, PAUL M

Supplement Type: Witness Interview :

Date/Time 7/16/2016 11:28

COMPLAINT AFFIORVIT
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF EL PASO
NO. _____

COURT

Filing Agency: El Paso Police Department

Offense Report #: 16-198065

Date of offense: July 16th, 2016
06:30 am. hrs.

Time of offense:

Defendant Name: Ivan Cadena
Birth: [REDACTED]

Defendant date of

Offense: Criminal Mischief Over/\$100.00 - Under/\$750.00

Offense Code: #29990042

IN THE NAME AND AUTHORITY OF THE STATE OF TEXAS BEFORE ME, the undersigned authority, on this day personally appeared Paul Portillo #1332, who after being by me duly sworn, on oath deposes and says that he has good reason to believe and does believe that heretofore to wit: on or about the 16th day of July 2016 and before the filing of this complaint in the County of El Paso, the State of Texas, one Ivan Cadena, Hereinafter called the DEFENDANT, did then and there unlawfully, intentionally and knowingly and without the consent of the owner to wit: Kandy Cadena; the Defendant: Ivan Cadena did damage or destroy the tangible property to wit: 50" Sanyo HD TV set with an estimated value of \$400.00.

Occurred on July 16th, 2016 at approximately 06:30 am. hrs. at 138 Borunda #B while in the City and County of El Paso Texas.

Affiant/Officer Paul Portillo #1332 and his partner Officer R. Chavez #2297 were working as unit 1F1B6. Officers were dispatched to 138 Borunda on a family fight. Officers had information that the defendant had left the scene and gone home to his mothers house where he was living, 8726 Old County #5. Officers happened to be closer to 8726 Old County #5 than 138 Borunda and arrived at the defendant's address on Old County. The defendant was detained and advised he was not under arrest but that a family violence investigation was ongoing. Officers transported the defendant to 138 Borunda #5 to speak with the victim a Kandy Cadena. It was determined that the defendant did in fact commit a criminal offense. Officers advised the defendant he was now under arrest and was placed in handcuffs. The victim/Kandy Cadena and the defendant Ivan Cadena are married to each other but have been separated for approximately one month. The victim advised the Officers that the defendant took all his personal belongings and moved out to live with his mother at 8726 Old County #5. The defendant does not have keys to the victim's apartment at 138 Borunda #B.

The victim told Officers that she was asleep in her bedroom with her three children. Victim woke up to find the intoxicated defendant standing at her bedroom door. Victim said she told the defendant what was he doing in her apartment as she was getting up from the bed. Victim said the defendant suddenly punched her HD TV set twice. The TV set that was on the dresser was destroyed. Victim said she began to physically push

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

Page: 16

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (01332) PORTILLO, PAUL M

and not sure if slapping or scratching the defendant to get him out of her apartment as the defendant cussed and was moving back while in the hallway. Victim said she arrived at the front door of the apartment still struggling with the defendant. Victim said she unlocked and opened the front door and had to pull the defendant out of the apartment by his shirt as they ended up just outside the apartment front door on the sidewalk. Victim said the defendant was still cussing at the victim when the defendant suddenly used an upper cut punch to punch the victim on her left side jaw area causing extreme pain. Victim said the defendant punched her like he would punch a man. Victim said the defendant then ran away, got in to his car and left. The Victim will prosecute the defendant because she did not give the defendant permission or consent to damage her HD TV set nor to assault the victim. Victim estimated the value of the TV set at \$400.00.

Against the peace and dignity of the State.

Affiant

Sworn to and subscribed before me on this, the
16 day of July, 2016

Notary

Public in and for El Paso County, Texas

Sworn to and subscribed before me, and filed in this court, this the 16 day of July, 2016.
Probable Cause for issuance of Warrant found.

Judge,
District Court
County Court at Law
El Paso Justice Ct. Pct

Judge,
El Paso Municipal Court
El Paso Justice Ct. Pct

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE: BY: TO:

Incident / investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (01332) PORTILLO, PAUL M

Of El Paso County, Texas
Magistrate of

EL Paso Criminal Law

EL

Paso County, Texas

Printed at: 12/16/2016 09:08 by user 1978

Page: 18

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

Dnathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02297) CHAVEZ, ROBERT

Supplement Type: Witness Interview :

Date/ Time 7/16/2016 13:27

Scanned affidavit's

Printed at: 12/16/2016 09:08 by user 1978

Page: 19

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

12/10/18 C1722

D.nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02297) CHAVEZ, ROBERT

Supplement Type: Witness Interview :

Date/Time 7/16/2016 13:35

Officer R.Chavez #2297 and P.Portillo #1332 field notes.

Printed at: 12/16/2016 09:08 by user 1978

Page: 20

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (01332) PORTILLO, PAUL M

Supplement Type: Witness Interview:

Date/Time 7/16/2016 13:59

AFFIDAVIT FOR ORDER OF EMERGENCY PROTECTION

(for use when the arresting/factually knowledgeable officer will not appear in person before the Magistrate)

THE STATE OF TEXAS |
EL PASO COUNTY |

WARRANT # _____

The undersigned Affiant, being employed by the El Paso Police Department, El Paso, Texas, as a peace officer, and being duly sworn on oath, makes the following statements to the best of his/her knowledge and belief:

- This request is brought pursuant to Article 17.292, Texas Code of Criminal Procedure (C.C.P.), and of the appearance of the Defendant Ivan Cadena before a Magistrate after being arrested for an offense involving family violence, dating violence or an offense of stalking under Section 42.072, Penal Code.
- (Complete only if the arrest was for a felony or if appropriate): The above-listed type of offense also involved:
Serious Bodily Injury to the victim; or
The use or exhibition of a deadly weapon during the commission of an assault.
- The Affiant states that a Magistrate's Order for Emergency Protection has been requested by:
Victim _____ (name of victim)
Peace Officer Officer P. Portillo #1332 _____ (name of officer)
on behalf of the Victim Kandy Cadena _____
(name of victim); or
The Magistrate upon his/her own motion, or an attorney representing the State, _____, on behalf of the victim
_____ (name of victim)
- It is the Affiant's belief that an order under Article 17.292, C.C.P., is immediately necessary by reason of the facts stated in the complaint affidavit or other report as may be attached and adopted by reference, and by the following facts stated herein, as related by the victim, peace officer or other credible source: (Do not include specific details of a sexual assault/attempted sexual assault offense on this form. Use the reverse side if necessary.)
CURRENT CASE: List circumstances (if no report or affidavit is attached or if additional explanation is needed):

Fear of further threats/violence xx Y N.

Weapon used Y xx N UNKNOWN: If yes list of weapon: _____

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

Page: 21

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (01332) PORTILLO, PAUL M

Children Present ☒ Y ☐ N. If yes, list ages: 2yos and 5yos

PRIOR HISTORY: Has Defendant been arrested previously for family violence ☒ Y
☐ N ☒ UNKNOWN

Circumstances of prior arrests/other history of reported/unreported violence)

Weapon used previously ☒ Y ☒ N ☐ UNKNOWN. If yes list type of weapon:

Has Protective Order been issued previously ☒ Y ☒ N ☐ UNKNOWN. If yes, list date:

5. Affiant has made his/her best effort to provide all pertinent facts and information known and readily available to the Affiant to the Court. Facts concerning the Defendant's previous history, weapon use and the existence of prior protective orders are based on the information immediately available to the Affiant and are not based on a comprehensive search of nationwide, state or local law enforcement and court records.

6. Affiant has read the foregoing and states that it is true and correct to the best of his/her knowledge and requests that the Court immediately issue an Order of Emergency Protection pursuant to Article 17.292, C.C.P.

AFFIANT

Subscribed and sworn to before me the undersigned authority this 16 DAY OF
July, 2016

OR

MAGISTRATE/COURT

NOTARY PUBLIC, STATE OF

TEXAS

Printed at: 12/16/2016 09:08 by user 1978

Page: 22

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02856) BARAJAS, RAYMUNDO

Supplement Type: Witness Interview :

Date/ Time 7/16/2016 16:06

Officers E. Rivera #2425 and R. Barajas #2856 working as unit 2f181, transported the listed offender to meet with Judge James Callan. Judge Callan stated the affidavit for the burglary of habitation did not state the facts that makes it a burglary, therefore the charge was declined. The DHS clerk was notified. The paper work was returned to officer Portillo (Affiant). The offender was booked on the criminal mischief and the protective order was not issued. The Judge shredded the other two affidavits. Sgt. J. Valles #2166 was notified.

The affidavit was scanned into this supplement.

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

Page: 23

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

Supplement Type: Witness Interview:

Date/Time 7/18/2016 09:42

Offense 1: Burglary of Habitation (DENIED BY JUDGE HAMILTON)
Offense 2: Assault FAMV
Offense 3: Criminal Mischief >=\$100<\$750
Offense 4: Criminal Trespass

Victim 1: Cadena, Kandy

Address: 138 Borunda Ln. Apt. B

Supplement Date: 07-18-2016

Supplement Time: 0943 hrs.

Operator's Name and ID#: Detective A. Williams #2597

07-18-2016- Undersigned was assigned the case for review. An arrest was made by patrol and the case was presented to Dims by patrol and case was accepted. When transporting officers took offender and affidavits with an emergency protective order to a judge. Judge Callan refused and denied the Burglary of Habitation affidavit, stating it does not meet the elements, he also refused to sign the protective order. The offender was only booked into EPCDF for Criminal Mischief.

The burglary of habitation charge is unfounded; however, officers should have considered an assault charge if an assault took place. The Judge also refused to sign the emergency protective order. Detective was advised by the OA to work up a non-arrest affidavit for the Assault FAMV and Criminal Trespass.

Burglary of Habitation charge, Unfounded.

Presented a non-arrest for Assault/FAMV and Criminal Trespass.

Criminal Mischief case Cleared by Arrest.

Detective A. Williams #2597
MVRCC-CIO/TAC

Printed at: 12/16/2016 09:08 by user 1978

Page: 24

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

Dnathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

Supplement Type: Witness Interview :

Date / Time 7/18/2016 14:31

added charges

Printed at: 12/16/2016 09:08 by user 1978

Page: 25

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

Supplement Type: Witness Interview :

Date/Time 7/18/2016 14:35

COMPLAINT AFFIDAVIT
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF EL PASO
NO. _____

COURT

Filing Agency: El Paso Police Department

Offense Report #: 16-198065

Date of offense: 07-16-2016

Time of offense: 0630 hours

Defendant Name: Cadena, Ivan
10-08-1991

Defendant date of birth:

Offense: Assault Causes Bodily Inf/FAMV

Offense Code#: 13990031

The undersigned affiant, being employed by the El Paso Police Department, (the "department"), El Paso, Texas, as a peace officer, and being duly sworn, on oath makes the following statements and accusations, to the best knowledge and belief of the department on the date of the forgoing supplement report, ("the report")

1. It is the belief of the affiant, and affiant hereby charges and accuses, that the subject named in the report, Ivan Cadena DOB: 10-08-1991 committed the offense of Assault Causes Bodily Injury named in the report. The report was compiled from the department's investigation of charged offense.
2. Affiant has probable cause for the said beliefs stated herein by reason of the following facts, to wit:

Officer Paul Portillo #1332 and his partner Officer R. Chavez #2297 were working as unit 1F186. Officers were dispatched to 138 Borunda on a family fight. Officers had information that the offender had left the scene and gone home to his mother's house where he was living, 8726 Old County #5. Officers happened to be closer to 8726 Old County #5 than 138 Borunda and arrived at the offender's address on Old County. The offender was detained and advised he was not under arrest but that a family violence investigation was ongoing. Officers noticed the offender to be intoxicated. Officers transported the offender to 138 Borunda #5 to speak with the victim a Kandy Cadena. It was determined that the offender did in fact commit criminal offenses. Officers advised the offender he was now under arrest and was placed in handcuffs. The victim/Kandy Cadena and the offender Ivan Cadena are married to each other but have been separated for approximately one month. The victim advised the Officers that the offender took all his personal belongings and moved out to live with his mother at 8726 Old County #5. The offender does not have keys to the victim's apartment at 138 Borunda #B.

The victim has three children. The victim and offender had the two younger children together. The victim has the witness/Ismael Suarez living with her at the apartment at this time. Victim and witness also have the oldest of victim's three children together.

Printed at: 12/16/2016 09:08 by user 1978

Page: 26

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

The victim told Officers that she was asleep in her bedroom with her three children. Victim woke up to find the intoxicated offender standing at her bedroom door. Victim said she asked the offender what he was doing in her apartment as she was getting up from the bed. Victim said the offender suddenly punched her HD TV set twice. The TV set that was on the dresser was destroyed. Victim said it took her two seconds to get to the offender. Victim said she began to physically push and not sure if slapping or scratching the offender to get him out of her apartment as the offender cussed and was moving back while in the hallway. Victim said she remembered the offender calling her a "Bitch". Victim said it took her approximately twenty seconds to get to the front door of the apartment. Victim said she arrived at the front door of the apartment still struggling with the offender. Victim said she unlocked and opened the front door and had to pull the offender out of the apartment by his shirt as they ended up just outside the apartment front door on the sidewalk. Victim said it took her about two seconds to pull and get the offender out of her apartment, and while still cussing at the victim and within seconds of being pulled outside, the offender suddenly used an upper cut closed fist punch to strike the victim on her left side jaw area causing extreme pain. Victim said the offender punched her like he would punch a man. Victim said the offender then ran away, got in to his car and left. The Victim will prosecute the offender because she did not give the offender permission or consent to damage her HD TV set nor to assault the victim.

The offender told the Officers that the victim had texted him to go to the apartment. The offender told the Officers that when he arrived, he rang the doorbell. Officer Portillo asked the victim if she had a door bell and she stated she did have a working door bell. Offender said the victim answered and opened the door. Offender said he walked in to the apartment and victim was upset because the offender had arrived too late and did not want him there at that hour. Offender said told the victim that he was leaving and going back to the girl he was with. Offender said the victim held on to his shirt not wanting the offender to leave. The offender said he pushed the victim away and left.

Victim stated prosecution was desired for the listed offense which occurred in the city and county of El Paso, Texas

3. Affiant has read the foregoing and states that it is true and correct to the best of my knowledge.

Against the peace and dignity of the State.

Affiant

Sworn to and subscribed before me, on this the _____ day of _____, 201_____.

and for El Paso County, Texas

Notary Public in

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

Page: 27

DATE BY: TO

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

Magistrate
El Paso County, Texas

Court No.

[EOB]

Printed at: 12/16/2016 09:08 by user 1978

Page: 28

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO:

12/10/16 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

Supplement Type: Witness Interview :

Date / Time 7/18/2016 14:46

COMPLAINT AFFIDAVIT
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF EL PASO
NO. _____

COURT

Filing Agency: El Paso Police Department

Offense Report #: 16-198065

Date of offense: 07-16-2016

Time of offense: 0630 hours

Defendant Name: Cadena, Ivan
[REDACTED]

Defendant date of birth:

Offense: Criminal Trespass

Offense Codes: 57070010

The undersigned affiant, being employed by the El Paso Police Department, (the "department"), El Paso, Texas, as a peace officer, and being duly sworn, on oath makes the following statements and accusations, to the best knowledge and belief of the department on the date of the forgoing supplement report, ("the report")

1. It is the belief of the affiant, and affiant hereby charges and accuses, that the subject named in the report, Ivan Cadena DOB [REDACTED] committed the offense of Assault Causes Bodily Injury named in the report. The report was compiled from the department's investigation of charged offense.

2. Affiant has probable cause for the said beliefs stated herein by reason of the following facts, to wit:

Officer Paul Portillo #1332 and his partner Officer E. Chavez #2297 were working as unit 1F156. Officers were dispatched to 138 Borunda on a family fight. Officers had information that the offender had left the scene and gone home to his mother's house where he was living, 8726 Old County #5. Officers happened to be closer to 8726 Old County #5 than 138 Borunda and arrived at the offender's address on Old County. The offender was detained and advised he was not under arrest but that a family violence investigation was ongoing. Officers noticed the offender to be intoxicated. Officers transported the offender to 138 Borunda #5 to speak with the victim a Kandy Cadena. It was determined that the offender did in fact commit criminal offenses. Officers advised the offender he was now under arrest and was placed in handcuffs. The victim/Kandy Cadena and the offender Ivan Cadena are married to each other but have been separated for approximately one month. The victim advised the Officers that the offender took all his personal belongings and moved out to live with his mother at 8726 Old County #5. The offender does not have keys to the victim's apartment at 138 Borunda #5.

The victim has three children. The victim and offender had the two younger children together. The victim has the witness/Ismael Suarez living with her at the apartment at this time. Victim and witness also have the oldest of victim's three children together.

Printed at: 12/16/2016 09:08 by user 1978

Page: 29
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

The victim told Officers that she was asleep in her bedroom with her three children. Victim woke up to find the intoxicated offender standing at her bedroom door. Victim said she asked the offender what he was doing in her apartment as she was getting up from the bed. Victim said the offender suddenly punched her HD TV set twice. The TV set that was on the dresser was destroyed. Victim said it took her two seconds to get to the offender. Victim said she began to physically push and not sure if slapping or scratching the offender to get him out of her apartment as the offender cussed and was moving back while in the hallway. Victim said she remembered the offender calling her a "Bitch". Victim said it took her approximately twenty seconds to get to the front door of the apartment. Victim said she arrived at the front door of the apartment still struggling with the offender. Victim said she unlocked and opened the front door and had to pull the offender out of the apartment by his shirt as they ended up just outside the apartment front door on the sidewalk. Victim said it took her about two seconds to pull and get the offender out of her apartment, and while still cussing at the victim and within seconds of being pulled outside, the offender suddenly used an upper cut closed fist punch to strike the victim on her left side jaw area causing extreme pain. Victim said the offender punched her like he would punch a man. Victim said the offender then ran away, got in to his car and left. The Victim will prosecute the offender because she did not give the offender permission or consent to damage her HD TV set nor to assault the victim. The offender told the Officers that the victim had texted him to go to the apartment. The offender told the Officers that when he arrived, he rang the doorbell. Officer Portillo asked the victim if she had a door bell and she stated she did have a working door bell. Offender said the victim answered and opened the door. Offender said he walked in to the apartment and victim was upset because the offender had arrived too late and did not want him there at that hour. Offender said told the victim that he was leaving and going back to the girl he was with. Offender said the victim held on to his shirt not wanting the offender to leave. The offender said he pushed the victim away and left.

Victim stated prosecution was desired for the listed offense which occurred in the city and county of El Paso, Texas

3. Affiant has read the foregoing and states that it is true and correct to the best of my knowledge.

Against the peace and dignity of the State.

Affiant

Sworn to and subscribed before me, on this the _____ day of _____, 201__.

and for El Paso County, Texas

Notary Public in

Printed at: 12/16/2016 09:08 by user 1978

Page: 30
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

Magistrate
El Paso County, Texas

Court No.

(EOB)

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

Page: 31

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

Supplement Type: Witness Interview :

Date/Time 7/18/2016 14:49

TIME: D63D hours OFFENSE: Burglary of Habitation (UNFOUNDED)
DATE: 07-16-2016 OFFENSE: Criminal Mischief >=\$100<\$750
OFFENSE: Assault/FAMV
OFFENSE: Criminal Trespass
COMPLAINANT NAME: Cadena, Kandy

PAGE: 4

ADDRESS: 138 Borunda Ln. Apt. B

PRESENTATION SUPPLEMENT

SUBJECT: Cadena, Ivan
DOB: [REDACTED]
AGE: 24
ADDRESS: 8720 Old County Dr. Apt. 5
MISDEMEANDR
CHARGE: Criminal Mischief >=\$100<\$750
WARRANT ISSUED: YES
WARRANT #: D16-05363 JUDGE: Martinez
DATE ISSUED: 07-16-2016 BOND: \$300.00 POA: 138 Borunda
DOA: 07-16-2016
BOOKING #: 9667157 EPPD: 412B25
RAP SHEET: yes
HISTORY SHEET: yes
NCIC: # n/a DATE: n/a
IN CUSTODY: Arrested

SUBJECT: Cadena, Ivan *****NON-ARREST*****
DOB: [REDACTED]
AGE: 24
ADDRESS: 8720 Old County Dr. Apt. 5
MISDEMEANDR
CHARGE: Assault/FAMV
WARRANT ISSUED: NO
WARRANT #: *****NON-ARREST*** JUDGE: *****NON-ARREST***
DATE ISSUED: *****NON-ARREST*** BOND: *****NON-ARREST*** POA: *****NON-ARREST***
DOA: *****NON-ARREST***
BOOKING #: N/A EPPD: 412B25
RAP SHEET: yes
HISTORY SHEET: yes
NCIC: # n/a DATE: n/a
IN CUSTODY: *****NON-ARREST***

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

Page: 32

DATE: BY: TO

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

SUBJECT: Cadena, Ivan *****NON-ARREST*****
 DOB: [REDACTED]
 AGE: 24
 ADDRESS: 8720 Old County Or. Apt. 5
 MISDEMEANOR
 CHARGE: Criminal Trespass
 WARRANT ISSUED: NO
 WARRANT #: ***NON-ARREST*** JUDGE: ***NON-ARREST***
 DATE ISSUED: ***NON-ARREST*** BOND: ***NON-ARREST*** FOR: ***NON-ARREST***
 OOR: ***NON-ARREST***
 BOOKING #: N/A EPPD: 412625
 RAP SHEET: yes
 HISTORY SHEET: yes
 NCIC: 1 n/a DATE: n/a
 IN CUSTODY: ***NON-ARREST***

EVIDENCE: Video/pictures/

Summary:

Officer Paul Portillo #1332 and his partner Officer R. Chavez #2297 were working as unit 1F186. Officers were dispatched to 138 Borunda on a family fight. Officers had information that the offender had left the scene and gone home to his mother's house where he was living, 8726 Old County #5. Officers happened to be closer to 8726 Old County #5 than 138 Borunda and arrived at the offender's address on Old County. The offender was detained and advised he was not under arrest but that a family violence investigation was ongoing. Officers noticed the offender to be intoxicated. Officers transported the offender to 138 Borunda #5 to speak with the victim a Kandy Cadena. It was determined that the offender did in fact commit criminal offenses. Officers advised the offender he was now under arrest and was placed in handcuffs. The victim/Kandy Cadena and the offender Ivan Cadena are married to each other but have been separated for approximately one month. The victim advised the Officers that the offender took all his personal belongings and moved out to live with his mother at 8726 Old County #5. The offender does not have keys to the victim's apartment at 138 Borunda #8.

The victim has three children. The victim and offender had the two younger children together. The victim has the witness/Ismael Suarez living with her at the apartment at this time. Victim and witness also have the oldest of victim's three children together.

The victim told Officers that she was asleep in her bedroom with her three children. Victim woke up to find the intoxicated offender standing at her bedroom door. Victim said she asked the offender what he was doing in her apartment as she was getting up from the bed. Victim said the offender suddenly punched her HO TV set twice. The TV set that was on the dresser was destroyed. Victim said it took her two seconds to get to the offender. Victim said she began to physically push and not sure if slapping, or scratching the offender to get him out of her apartment as the offender cursed and was moving back while in the hallway. Victim said she remembered the offender calling her a "Bitch". Victim said it took her approximately twenty seconds to get to the front door of the apartment. Victim said she arrived at the front door of the apartment still struggling with the offender. Victim said she unlocked and opened the front door and had to pull the offender out of the apartment by his shirt as they ended up just outside the apartment front door on the sidewalk. Victim said it took her about two seconds to pull and get the offender out of her

Printed at: 12/16/2016 09:08 by user 1978

PUBLIC RECORDS INFORMATION Page: 33
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

apartment, and while still cussing at the victim and within seconds of being pulled outside, the offender suddenly used an upper cut closed fist punch to strike the victim on her left side jaw area causing extreme pain. Victim said the offender punched her like he would punch a man. Victim said the offender then ran away, got in to his car and left. The Victim will prosecute the offender because she did not give the offender permission or consent to damage her HD TV set nor to assault the victim.

The offender told the Officers that the victim had texted him to go to the apartment. The offender told the Officers that when he arrived, he rang the doorbell. Officer Portillo asked the victim if she had a door bell and she stated she did have a working door bell. Offender said the victim answered and opened the door. Offender said he walked in to the apartment and victim was upset because the offender had arrived too late and did not want him there at that hour. Offender said told the victim that he was leaving and going back to the girl he was with. Offender said the victim held on to his shirt not wanting the offender to leave. The offender said he pushed the victim away and left.

The victim said the screen to her front living room window had been removed by the offender. The offender went in to the apartment through the open living room window after removing the screen. Officers videotaped the victim and took several pictures of the victim's injuries and of the apartment and TV set.

This incident occurred in the City and County of El Paso, Texas against the peace and dignity of the State.

Burglary of Habitation charge was denied by Judge Cailan, detective unfounded charge.
Detective was advised by the DA to work up non-arrest for Assault/FAMV and Criminal Trespass charge.

Exceptionally cleared by arrest.

Detective A. Williams #2597
HVRCC-CID/TAC

Printed at: 12/16/2016 09:08 by user 1978

Page: 34

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (T1276) RIVERA, MARIA ELENA

Supplement Type: Witness Interview:

Date/Time 7/18/2016 14:50

The Domestic Abuse Response Team:

- ☐ attempted to make phone/e-mail/personal contact with involved victim party and was met with negative results on _____.
- ☒ made phone/e-mail/personal contact with involved victim party on 07/18/2016 in order to provide information in regards to services, assistance, referrals and information pertaining to this case.

The involved victim party was

- ☒ not sent a letter regarding these services.
- ☐ sent a letter regarding these services on _____.

The involved victim party was advised about the following information:

- ☐ Emergency Protective Orders
- ☒ Crime Victims' Compensation
- ☒ Center Against Sexual and Family Violence
- ☒ County Attorney's Office; Protective Order Unit
- ☒ District Attorney's Office
- ☒ DART Unit
- ☒ VINE
- ☒ Safety planning

Additional case notes:

July 15, 2016

1444 hrs - Undersigned attempted phone contact with VI-01 and was met with negative contact. Undersigned left contact number with VI-01's sister Vivian Hernandez for a call back.

1500 hrs - VI-01 returned undersigned phone call. Undersigned advised her on the above listed resources and an appointment for a home visit was scheduled for 07/19/2016 at 0930 hrs. She reported to be living at 138 Borunda Ln Unit-B, El Paso, TX.

July 19, 2016

0945 hrs - Undersigned working as VSRT8 and Officer P. Perez #2099, conducted a home visit and met with VI-01. Undersigned presented VI-01 with information regarding the above listed resources. Undersigned assisted VI-01 in completing the application to the Texas Crime Victims' Compensation fund. The application process was explained to VI-01. Undersigned provided information to the County Attorney's Office protective order and explained the VINE program to VI-01. Undersigned also described the services offered by the CASFV emergency shelter. VI-01 was provided with information on crime victims' compensation, the rights of victims of crime, CASFV Family Resource Center (counseling), Safety Plan, the number to legal aid, and provided contact number to the DA's office for follow up. All questions were addressed, and both units concluded the home visit. Undersigned provided VI-01 with her contact information if she has further questions or concerns regarding the services provided.

Case Manager: ME Rivera #T1276, MVRCC/VSRT

Printed at: 12/16/2016 09:08 by user 1978

Page: 35

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D.nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (T1276) RIVERA, MARIA ELENA

Printed at: 12/16/2016 09:08 by user 1978

Page: 36

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (01332) PORTILLO, PAUL M

Supplement Type: Witness Interview :

Date/Time 7/21/2016 10:37

scanned burglary affidavit after being denied by judge Callan.

Printed at: 12/16/2016 09:08 by user 1978

Page: 37

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

Supplement Type: Witness Interview :

Date/Time 8/1/2016 13:26

*****CORRECTED*****

COMPLAINT AFFIOAVIT
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF EL PASO
NO. _____

COURT

Filing Agency: El Paso Police Department

Offense Report #: 16-198065

Date of offense: 07-16-2016

Time of offense: 0630 hours

Defendant Name: Cadena, Ivan

Defendant date of birth:

Offense: Criminal Trespass

Offense Code#: 57070010

The undersigned affiant, being employed by the El Paso Police Department, (the "department"), El Paso, Texas, as a peace officer, and being duly sworn, on oath makes the following statements and accusations, to the best knowledge and belief of the department on the date of the forgoing supplement report, ("the report")

1. It is the belief of the affiant, and affiant hereby charges and accuses, that the subject named in the report, Ivan Cadena OOB: [REDACTED] committed the offense of Criminal Trespass named in the report. The report was compiled from the department's investigation of charged offense.

2. Affiant has probable cause for the said beliefs stated herein by reason of the following facts, to wit:

Officer Paul Portillo #1332 and his partner Officer R. Chavez #2297 were working as unit 1F186. Officers were dispatched to 138 Borunda on a family fight. Officers had information that the offender had left the scene and gone home to his mother's house where he was living, 8726 Old County #5. Officers happened to be closer to 8726 Old County #5 than 138 Borunda and arrived at the offender's address on Old County. The offender was detained and advised he was not under arrest but that a family violence investigation was ongoing. Officers noticed the offender to be intoxicated. Officers transported the offender to 138 Borunda #5 to speak with the victim a Kandy Cadena. It was determined that the offender did in fact commit criminal offenses. Officers advised the offender he was now under arrest and was placed in handcuffs. The victim/Kandy Cadena and the offender Ivan Cadena are married to each other but have been separated for approximately one month. The victim advised the Officers that the offender took all his personal belongings and moved out to live with his mother at 8726 Old County #5. The offender does not have keys to the victim's apartment at 138 Borunda #B. The victim has three children. The victim and offender had the two younger children together. The victim

Printed at: 12/16/2016 09:08 by user 1978

Page: 38

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

has the witness/Ismael Suarez living with her at the apartment at this time. Victim and witness also have the oldest of victim's three children together.

The victim told Officers that she was asleep in her bedroom with her three children. Victim woke up to find the intoxicated offender standing at her bedroom door. Victim said she asked the offender what he was doing in her apartment as she was getting up from the bed. Victim said the offender suddenly punched her HD TV set twice. The TV set that was on the dresser was destroyed. Victim said it took her two seconds to get to the offender. Victim said she began to physically push and not sure if slapping or scratching the offender to get him out of her apartment as the offender cussed and was moving back while in the hallway. Victim said she remembered the offender calling her a "Bitch". Victim said it took her approximately twenty seconds to get to the front door of the apartment. Victim said she arrived at the front door of the apartment still struggling with the offender. Victim said she unlocked and opened the front door and had to pull the offender out of the apartment by his shirt as they ended up just outside the apartment front door on the sidewalk. Victim said it took her about two seconds to pull and get the offender out of her apartment, and while still cussing at the victim and within seconds of being pulled outside, the offender suddenly used an upper cut closed fist punch to strike the victim on her left side jaw area causing extreme pain. Victim said the offender punched her like he would punch a man. Victim said the offender then ran away, got in to his car and left. The Victim will prosecute the offender because she did not give the offender permission or consent to damage her HD TV set nor to assault the victim.

The offender told the Officers that the victim had texted him to go to the apartment. The offender told the Officers that when he arrived, he rang the doorbell. Officer Fortillo asked the victim if she had a door bell and she stated she did have a working door bell. Offender said the victim answered and opened the door. Offender said he walked in to the apartment and victim was upset because the offender had arrived too late and did not want him there at that hour. Offender said told the victim that he was leaving and going back to the girl he was with. Offender said the victim held on to his shirt not wanting the offender to leave. The offender said he pushed the victim away and left.

Victim stated prosecution was desired for the listed offense which occurred in the city and county of El Paso, Texas

3. Affiant has read the foregoing and states that it is true and correct to the best of my knowledge.

Against the peace and dignity of the State.

Affiant

Sworn to and subscribed before me, on this the _____ day of _____, 201__.

and for El Paso County, Texas

Notary Public in

Printed at: 12/16/2016 09:08 by user 1978

Page: 39

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02597) WILLIAMS, ALISHA BRYN

Magistrate
El Paso County, Texas

Court No.

[EOB]

Printed at: 12/16/2016 09:08 by user 1978

Page: 40

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Incident / Investigation Report

El Paso Police Department

OCA: 16-198065

Additional Offense List

Offense #	Offense Description	UCR Code	Local Statute	Attempted/ Completed
# 4	CRIMINAL TRESPASS	90J	30.05(a) P	COM
		Equiv Code: 57070010		

Printed at: 12/16/2016 09:08 by user 1978

Page: 41

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

El Paso Police Department * Mission Valley Regional Command * 9011 Escobar Dr. * 9152128300										
Daily Work Schedule: Wednesday, September 14, 2016 * Days Shift										
Supervisors / Desk Personnel										
Personnel:	WkHrs:	Unit:	Veh:	Rad:	Tms:	G-gun:	B-bag:	Cmra:	note:	
Cvt Estrada, Irma C1455	05:00-14:00	1S800		C1455					FRONT DESK CLERK	
Lt Salcido, Pedro 1649	05:00-15:00	1L8		1649PD						
Sgt Lujan, Lawrence 1390	05:00-15:00	1L80		1390PD						
Off Sanchez, Gilbert 2278	05:00-15:00	1S802		2278PD						
Sgt Bentley, Steffen B. 2118	05:00-15:00	1L82		2118PD						
Field Personnel										
Officers:	WkHrs:	Unit:	Veh:	Rad:	Tms:	S-gun:	B-bag:	Cmra:	note:	
Hernandez, Sergio 2416	05:30-15:30	1S181	V05057	2416PD	T45			DC-86	AE-OWN	
Elizalde, Martina 1817	05:30-15:30	1F182	V14042	1817PD	T54			FV20	AE-	
Minjares, Jorge 1505	05:30-15:30			1505PD					AE-	
Romero, Louie 1408	05:00-15:00	1S183	V11097	1408PD	T35			FV02	AE- flex last 4 G4S	
Chavez, Robert 2297	05:30-15:30	1F184		2297PD					AE-	
Madrid, Benito 2010	05:30-15:30		V07180	2010PD	T42		LA6	FV24	AE-	
Gonzalez, Marco A. 1845	05:30-15:30	1F185	V11100	1845PD	T34		LA4	FV16	AE- Court MC 09/14 13:00	
Portillo, Paul 1332	05:30-15:30			1332PD					AE- RR-	
Shift/Notes:										
C1455	08/24/2016	ARRAIGNMENT DATE: OCTOBER 11, 2016								
1390	09/11/2016	Romero flex last 4 due to PT test on Friday								
1390	08/29/2016	G4S								

VR

99

Days Off		VAC/SLP/Other Leaves	Training/TDY/Rescheduled Day Off
Abascal 2231	De Avila 1986		
Gomez 2076	Gutierrez 1247		
Hernandez 1998	Hernandez 744		
Mendez 2211	Ramirez 1861		
Sanchez 1769			

Revised: 9/14/2016

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

El Paso Police Department * Mission Valley Regional Command * 9011 Escobar Dr. * 9152128300									
Daily Work Schedule: Saturday, July 23, 2016 * Days Shift									
Supervisors / Desk Personnel									
Personnel:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Off Sanchez, Gilbert 2278	05:00-15:00	1S801		2278PD					
Sgt Bentley, Stefan B. 2118	05:00-15:00	1L82		2118PD					
Field Personnel									
Officers:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Mendez, Ricardo 2211	05:30-15:30	1F181		2211PD					
Telles, Johnathan A 3033 ()	05:30-15:30		V14042	3033PD	T40		LA4	DC-72	
Elizalde, Marlina 1817	05:30-15:30	1F182		1817PD					
Minjares, Jorge 1505	05:30-15:30		V10082	1505PD	T37		LA3	DC-63	
Gonzalez, Marco A. 1845	05:30-15:30	1S185	V10083	1845PD	T45			FV13	
Shift Notes:									
2102	07/23/2016	Arrangement date: 8-22-2016							
2102	07/23/2016	7 griped 13 available							

12

Days Off		VAC/SLP/Other Leaves	Training/TDY/Rescheduled Day Off
Abascal 2231	De Avila 1988	Madrid 2010-Spd	Chavez 2297 (Rdo) -for training day
Estrada C1455	Gomez 2078	Sanchez 1769-Adm	Hernandez 2416 (Rdo) -for training day
Gutierrez 1247	Hernandez 1998		
Hernandez 744	Ramirez 1981		
Romero 1408	Salcido 1649		

Revised 7/24/2016

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

GRANT/FUNDING NAME: _____



EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT



DATE 7-23-16	UNIT DESIGNATION 1F182	DIVISION MVRCC	SHIFT # I
NO. 1 OFFICER J. Minjares	I.O. NO. 1505	NO. 2 OFFICER M. Elizalde	I.D. NO. 1817
VEHICLE NO. V10082	RADIO NO. 1505PD	SHOTGUN NO. rifle 0669 1	DAY Saturday
SHIFT HOURS INCLUDE OT HOURS WORKED 800	MILEAGE ENDING: 147973 STARTING: 147897 TOTAL: 76	ASSIGNED SUPERVISOR Sgt. Bentley	TASER NO. X00548575
START TIME: 450 HRS		REVIEWING SUPERVISOR SIGNATURE <i>[Signature]</i>	FUNDING ADMINISTRATOR SIGNATURE
END TIME: 150 HRS			

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR D	EXTERIOR D	TIRES W	OVERHEADS W	SIREN W	SPOTLIGHT W	SPARE DMV	FLARES M
JACK/LUG WRENCH DMV	BLANKET M	FINGERPRINT KIT M	FIRST AID KIT M	DEFIBRILLATOR M	CAMERAS W	REFLECTIVE VEST M	IN CAR VIDEO MIC W
OTHER (LIST)				FLUID CHECK	AIR CARD		
REMARKS							

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-In vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

		CALL FOR SERVICE		CITATIONS				ARRESTS	
CP Contacts/Problems Identification	CP	Dispatch	Observed	Hazard H	Off #1	Off #2	Radar Cit.	RC	Felony
Persons Checked (Adults)	3 P	Patrol	9	Non-Haz NH	Off #1	Off #2	Red Light		Class "A"
Juveniles Checked	J	Traffic	1	Class C C	Off #1	Off #2	School Zone	SZ	Class "B"
Vehicle Checked	5 V	Comm. Policing		Parking PK	Off #1	Off #2	Un-restrained Child		Class "C"
LPR Vehicle checks		Admin		Curfew	Juv	Parent	Traffic Focus		TOTAL
LPR Hits		Reports	Off #1	Off #2	Muni. Code Viol		Stop Sign		DWI
Accident Inv.	1 AI	Inc Rpt	2		Speed		Seatbelt		Felony
Accident Adv.	1 AV	Traffic Rpt		1	Cell Phone Adv		Cell Phone Cit		Misd
									Traffic Stop Arrests
									Misd Detectable

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer *[Signature]* Date: **7-23-16** No. 2 Officer *[Signature]* Date: **7/23/16**

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
530	557	27	9011 Escobar	87	Shift meeting	
			10-8			
540	0700	50	9441 Alameda	86	Abandoned Veh ref 81-83	(12)
			handled by 3F187		16-204238	IV
			veh stored behind		for 5TH	
725	740	15	400 Newbrough	84	10-10	
740	748	10	1015 Wall	81	Sig 48 10-22 10-8	
804	821	17	145 Langford	86	Sig 48 ✓ ok HE Leasing	

8-22-16

EPPD 36-22-110
Revised 01-2015

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION INCLUDE TICKET & BOOKS NOS. OR	
			Sammy Valenzuela	7-8-68		
			9877 La Morante	A/W. Esquivel		
939	920	45/15	9011 Escobar	87	B-2 Carwash	
			10-8			
947	1008	25/15	7829 Alameda	82	Sig 850n 81 16-205077	(P) 2
				Torresday, Alfredo		15
			17661 Frisian Trail			1V
1023	1026	5/30	8494 Alameda	87	Sig 48 Panic Alarm VOK	
			outside large berbed wire fence appears empty	10		
1035	1051	20/30	8567 Alameda	84	Sig 37	1V
			Raul Perez	3	514 County line Mndlt	15
				City #18-953214	Right turn bus	142/2
			wide			
1052	1105	15/35	7392 Alameda	82	Narc Deal TP ✓ Area	
			Utl on Subj 10-8			
1120	1144	28/30	918 Monterey	84	Crim Misch. 16-205087	(P) 1
			Hyde Evelyn		4409 Stn 1g	15
			7966 Report Subj. Good luck			1V
1203	1338	100/360	107 Lafayette	83	Susp VEH. [redacted]	1V
			16-205093	veh stored blocking canal area		(P) 2
			Cancelled Turn NO	using 16-205077 81-83		
			From 7829 Alameda	depart 10-8 veh stored		
1400	1530	20/450	9011 Escobar		B-2 report writing	
			16-205077 81-83	16-205087	Crim Misch	

IF WORKING A TxDOT GRANT

I understand that this information is being submitted to support a claim against a federally-funded grant program. False statements on this form may be prosecutable under 18 USC 1001, state statutes or any other applicable law or rule. This information on this form is true, correct, and complete to the best of my knowledge and ability.

Officer Signature / Date

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



DATE 07/29/16	UNIT DESIGNATION 758 7F186	OMISION PURK	SHIFT # 1
NO. 1 OFFICER Blazide #1817	I.D. NO.	NO. 2 OFFICER Forallo	I.D. NO. 1332
VEHICLE NO. V1097	RADIO NO. 1817	SHOTGUN NO. —	DAY Friday
SHIFT HOURS INCLUDE OT HOURS WORKED	MILEAGE ENDING: 380 STARTING 97357 TOTAL: 33	ASSIGNED SUPERVISOR Sgt Bentley	TASER NO. 055315
START TIME: 0530 HRS		RELIEVING SUPERVISOR SIGNATURE 11/20	TASER NO. X0047716
END TIME: 2000 HRS		FUNDING ADMINISTRATOR SIGNATURE	

INTERIOR <input checked="" type="checkbox"/>	EXTERIOR <input checked="" type="checkbox"/>	TIRES <u>W</u>	OVERHEADS <u>W</u>	SIREN <u>W</u>	SPOTLIGHT <u>W</u>	SPARE <u>W</u>	FLARES <u>W</u>
JACK/LOG WRENCH <u>W</u>	BLANKET <u>W</u>	FINGERPRINT KIT <u>W</u>	FIRST AID KIT <u>W</u>	DEFIBRILLATOR <u>W</u>	CAMERAS <u>W</u>	REFLECTIVE VEST <u>W</u>	IN CAR VIDEO MIC <u>W</u>
OTHER (LIST) <u>5 1/2 tanks</u>				FLUID CHECK <u>W</u>	AIR CARD <u>W</u>		
REMARKS				<u>W</u>	<u>W</u>		

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-In vehicle; M-missing; N/A-not applicable

		CALL FOR SERVICE			CITATIONS				ARRESTS		
CP Contacts/Problems Identification	CP		Dispatch	Observed	Hazard H	On #1	On #2	Radar Ct.	RC	Felony	F
Persons Checked (Adults)	3 P	Patrol	6	—	Non-Haz NH	On #1	On #2	Red Light	—	Class 'A'	AA
Juveniles Checked	— J	Traffic	1	—	Class C C	On #1	On #2	School Zone	— BZ	Class 'B'	AB
Vehicle Checked	1 V	Comm Policing	—	—	Parking PK	On #1	On #2	Un-restrained Child	—	Class 'C'	AC
LPR Vehicle checks	—	Admin	—	2	Curfew	Juv	Parent	Traffic Focus	—	TOTAL	1
LPR Hits	—	Reports	Off #1	Off #2	Manl. Code Viol	—		Stop Sign	—	DWI	Felony
Accident Inv.	— AI	Inc Rpt	2	—	Speed	—		Seizure	—	Traffic Stop Arrests	—
Accident Adv.	— AV	Traffic Rpt	—	—	Cell Phone Adv	✓		Cell Phone Ct	—	Minor Offtable	—

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer [Signature] Date 7/29/16 No. 2 Officer [Signature] Date 7/29/16

	TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
	0530			BARA	87	Shift Meeting Temp. vld / and office Public use and animal control crewly report, EDR & connectivity	
	—	0856	203 / 205	—	—	by H & S / Loring / us	
P1	0856			773 J. Loring	86	Susp vld / 1230 day 6392186 / Kamel Press 7-1-18	
				<16-201105>		8507 Deft. [redacted] → Frank Tey /	
						at (2 step) 18-953219 / Turned over RT to D.V	
		0958	65 / 230	—	—	Investigative A. Arnes from Arnes @ 301 Main St. Lab.	
P2	0958	1006	125	718 N. Loring #37	84	Asst + David Loring's of King's Hotel / school by TAC	

PUBLIC RECORDS INFORMATION EPPD 30-22-110
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

GRANT/FUNDING NAME: _____



EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT



DATE <u>07/16/16</u>	UNIT DESIGNATION <u>15181</u>	OMISION <u>None</u>	SHIFT # <u>1</u>
NO. 1 OFFICER <u>Elizalde</u>	I.O. NO. <u>1817</u>	NO. 2 OFFICER <u>—</u>	I.D. NO. <u>—</u>
VEHICLE NO. <u>V11092</u>	RADIO NO. <u>1817</u>	SHOTGUN NO. <u>—</u>	DAY <u>Saturday</u>
SHIFT HOURS INCLUDE OT HOURS WORKED START TIME: <u>0539</u> HRS END TIME: <u>1655</u> HRS	MILEAGE ENDING: STARTING: <u>544</u> <u>96563</u> TOTAL: <u>51</u>	ASSIGNED SUPERVISOR <u>Sgt Bortley</u>	TASER NO. <u>05315</u>
		REVIEWING SUPERVISOR SIGNATURE <u>[Signature]</u>	FUNDING ADMINISTRATOR SIGNATURE <u>—</u>

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR <u>D</u>	EXTERIOR <u>D</u>	TIRES <u>4</u>	OVERHEADS <u>SP</u>	SIREN <u>W</u>	SPOTLIGHT <u>W</u>	SPARE <u>✓</u>	FLARES <u>—</u>
JACK/LUG WRENCH <u>—</u>	BLANKET <u>—</u>	FINGERPRINT KIT <u>—</u>	FIRST AID KIT <u>—</u>	DEFIBRILLATOR <u>—</u>	CAMERAS <u>—</u>	REFLECTIVE VEST <u>—</u>	IN CAR VIDEO MICT <u>6.2</u>
OTHER (LIST) <u>—</u>				FLUID CHECK <u>NO</u>	AIR CARD <u>8-15</u>		
REMARKS <u>—</u>							

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-in vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

		CALL FOR SERVICE		CITATIONS				ARRESTS	
CP Contacts/Problems Identification <u>—</u> CP		Dispatch	Observed	Hazard H	CC 11	CC 12	Radar Cit. <u>—</u> RC	Felony <u>—</u> F	
Persons Checked (Adults) <u>7</u> P	Patrol	<u>—</u>	<u>8</u>	Non-Haz NH	CC 11	CC 12	Red Light <u>—</u>	Class "A" <u>—</u> AA	
Juveniles Checked <u>—</u> J	Traffic	<u>2</u>	<u>—</u>	Class C C	CC 11	CC 12	School Zone <u>5Z</u>	Class "B" <u>1</u> AB	
Vehicle Checked <u>3</u> V	Comm. Policing	<u>—</u>	<u>1</u>	Parking PK	CC 11	CC 12	Un-restrained Child <u>—</u>	Class "C" <u>—</u> AC	
LPR Vehicle checks <u>—</u>	Admin	<u>—</u>	<u>1</u>	Curfew <u>—</u> Juv <u>—</u> Parent <u>—</u>			Traffic Focus <u>—</u>	TOTAL <u>1</u>	
LPR Hits <u>—</u>	Reports	Off #1	Off #2	Mun. Code Viol <u>—</u>			Stop Sign <u>—</u>	DWI <u>—</u> Felony <u>—</u> Misd <u>—</u>	
Accident Inv. <u>2</u> AI	Inc Rpt	<u>2</u>	<u>—</u>	Speed <u>—</u>			Seatbelt <u>—</u>	Traffic Stop Arrests <u>—</u>	
Accident Adv. <u>—</u> AV	Traffic Rpt	<u>2</u>	<u>—</u>	Cell Phone Adv <u>—</u>			Cell Phone Cit <u>—</u>	Minor Detachable <u>✓</u>	

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer Elizalde Date: 7/16/16 No. 2 Officer — Date: —

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
<u>0530</u>	<u>0610</u>	<u>40</u>	<u>MARC</u>	<u>87</u>	<u>Soft Alarming / Temp ver / W</u>	
<u>0611</u>			<u>SWYE / 6012</u>	<u>84</u>	<u>T.H. lights not functioning - ref. 81-83</u>	
			<u>< 16-1980577</u>		<u>hit a traffic signal box / Signal Mark. act 10-</u>	
					<u>93 5min / -> Flashing red for ~ 1-2 hrs until</u>	
					<u>they finish working at loc. / Personal / Blazer car /</u>	
					<u>-> 83 ver 81 [redacted] / Rk over (PARE got</u>	
	<u>0708</u>	<u>60</u>			<u>call for 82-83 / 2/04</u>	
<u>0708</u>			<u>178 Brownada</u>	<u>83</u>	<u>Point IF 186 ref 51</u>	

PUBLIC RECORDS INFORMATION EPPD 36-22-110
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

GRANT/FUNDING NAME: _____



EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT



AD: 8/15

DATE: 07-16-16 UNIT DESIGNATION: 1F186 DIVISION: MVRG SHIFT #: 1st/1

NO. 1 OFFICER: P. Portillo I.D. NO.: 1332 NO. 2 OFFICER: R. Chavez I.D. NO.: 2297

VEHICLE NO.: 10083 RADIO NO.: 1332 PD 2297 PD SHOTGUN NO.: DAYS: Saturday

SHIFT HOURS INCLUDE OT HOURS WORKED: START TIME: 1530 HRS ENO TIME: 1530 HRS MILEAGE ENONG: 135606 STARTING: 135575 TOTAL: 31.7

ASSIGNED SUPERVISOR: Sgt. Bentley REVIEWING SUPERVISOR SIGNATURE: [Signature] FUNDING ADMINISTRATOR SIGNATURE: [Signature]

TASER NO.: X00-477163 TASER NO.: Y00-054876

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR	EXTERIOR	TIRES	OVERHEADS	SIREN	SPOTLIGHT	SPARE	FLARES
C	C	W	W	W	W	N/A	N/A
JACK/UG	WRENCH	BLANKET	FINGERPRINT KIT	FIRST AID KIT	DEFIBRILLATOR	CAMERAS	REFLECTIVE VEST
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OTHER (LIST)				FLUID CHECK	AIR CARO		
REMARKS							

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-in vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

CALL FOR SERVICE				CITATIONS				ARRESTS						
CP Contacts/Problems Identification	CP	Dispatch	Observed	Hazard H	Non-Haz NH	Class C C	Parking PK	Curfew	Juv	Patent	Radar CH	RC	Felony	F
Persons Checked (Adults)	5	Patrol	5	X	X	X	X	X	X	X	X	X	Class 'A'	1
Juveniles Checked	X	Traffic	X	X	X	X	X	X	X	X	X	X	Class 'B'	X
Vehicle Checked	X	Comm. Policing	X	X	X	X	X	X	X	X	X	X	Class 'C'	1
LPR Vehicle checks	X	Admin	X	1	X	X	X	X	X	X	X	X	TOTAL	2
LPR Hits	X	Reports	Off #1	Off #2	Muni. Code Viol	X	X	X	X	X	X	X	DWI	Felony
Accident Inv.	X	Inc Rpt	1	1	Speed	X	X	X	X	X	X	X	Traffic Stop Arrests	X
Accident Adv.	X	Traffic Rpt	X	X	Cell Phone Adv	X	X	X	X	X	X	X	Minor Detectable	X

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer: P. Portillo Date: 7-16-16 No. 2 Officer: R. Chavez Date: 7-16-16

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	OIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
05 30	06 25	55	9011 Escobar Dr.	87	North Parking / Veh Impact Pk Av / Tru # / 10-8	
06 45	07 00	15	8000 North Loop Dr.	84	10-10 / 10-8	
07 00	07 05	5	8820 Old County Dr	83	Dis 48 / broke 14 f 58 Ash JO 10-8	
07 05	11 15	285	138 Berueta Ln	83	58 Ash JO / IVAN CAMENA	163
07 29					5726 OLD COUNTY #5 10-15 IX Ent	
07 49	11 59	10	7855 Laura Way	84	Missing Child / Assisted	
07 59			9011 Escobar Dr.	87	10-15 left w/ desk officer for backing	

EPPD 36-22-110
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nanhan

GRANT/FUNDING NAME: _____

EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT

DATE 7-23-16	UNIT DESIGNATION 15801	DIVISION MURK	SHIFT # 1
NO. 1 OFFICER G Sanchez	I.D. NO. 2278	NO. 2 OFFICER Sule	I.D. NO. _____
VEHICLE NO. _____	RADIO NO. 220380	SHOTGUN NO. _____	DAY Saturday
SHIFT HOURS INCLUDE OT HOURS WORKED	MILEAGE ENDING: _____	ASSIGNED SUPERVISOR Sgt Bentley 2118	TASER NO. X00636180
START TIME: 0500 HRS	STARTING: _____	REVIEWING SUPERVISOR SIGNATURE [Signature]	FUNDING ADMINISTRATOR SIGNATURE _____
END TIME: 1500 HRS	TOTAL: _____		

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR	EXTERIOR	TIRES	OVERHEADS	SIREN	SPOTLIGHT	SPARE	FLARES
JACK/LUG WRENCH	BLANKET	FINGERPRINT KIT	FIRST AID KIT	DEFIBRILLATOR	CAMERAS	REFLECTIVE VEST	IN CAR VIDEO MIC
OTHER (LIST)	N/A			FLUID CHECK	AIR CARD		
REMARKS	N/A						

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-In vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

CALL FOR SERVICE				CITATIONS				ARRESTS	
CP Contacts/Problems Identification	CP	Dispatch	Observed	Hazard H	CR #1	CR #2	Radar Ck.	RC	Felony
Persons Checked (Adults)	2 P	Patrol		Non-Haz NH	CR #1	CR #2	Red Light		Class "A"
Juveniles Checked	1 J	Traffic		Class C C	CR #1	CR #2	School Zone	SZ	Class "B"
Vehicle Checked	1 V	Comm. Policing		Parking PK	CR #1	CR #2	Un-restrained Child		Class "C"
LPR Vehicle checks		Admin		Curfew	Juv	Parent	Traffic Focus		TOTAL
LPR Hits		Reports	Off #1	Muni. Code Viol			Stop Sign		DWI
Accident Inv.	AI	Inc Rpt	1	Speed			Seelbelt		Felony
Accident Adv.	AV	Traffic Rpt		Cell Phone Adv			Cell Phone Cit		Minor Detectable

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer **[Signature]** 2078 Date **7-23-16** No. 2 Officer _____ Date: _____

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
0500	0800	180	murk	87	Perk duties/issue #1 shift equipment	
					return #3 shift equipment/answer phones	
0800	1000	120			Conduct search for community service hrs	
1000	1500	300			Review clock duties	
					16-205090 ref #5 report by Gonzalo Garcia	
					(D-1, Chonette Vazquez) & (20-2 Ximena Garcia)	
					wife daughter	

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

EPPD 36-22-110

RECEIVED 01-2015

DATE: BY: TO:

GRANT/FUNDING NAME: _____



EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT



DATE 7-23-16	UNIT DESIGNATION 1E182	DIVISION MVRCC	SHIFT # I
NO. 1 OFFICER J. Minjares	I.D. NO. 1505	NO. 2 OFFICER M. Elizalde	I.D. NO. 1817
VEHICLE NO. V10082	RADIO NO. 1505PD	SHOTGUN NO. rifle 0669 1	DAY Saturday
SHIFT HOURS INCLUDE OT HOURS WORKED 600	MILEAGE ENDING: 147973 STARTING: 147897 TOTAL: 76	ASSIGNED SUPERVISOR Sgt. Bentley	TASER NO. X0058575
START TIME: 450 HRS		REVIEWING SUPERVISOR SIGNATURE [Signature]	FUNDING ADMINISTRATOR SIGNATURE
END TIME: 150 HRS			

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR D	EXTERIOR D	TIRES W	OVERHEADS W	SIREN W	SPOTLIGHT W	SPARE DWV	FLARES M
JACK/LUG WRENCH DW	BLANKET M	FINGERPRINT KIT M	FIRST AID KIT M	DEFIBRILLATOR M	CAMERAS W	REFLECTIVE VEST M	IN CAR VIDEO MIC W
OTHER (LIST)				FLUID CHECK	AIR CARD		
REMARKS							

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-In vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

		CALL FOR SERVICE		CITATIONS				ARRESTS	
CP Contacts/Problems Identification	CP	Dispatch	Observed	Hazard H	Off #1	Off #2	Radar Cit.	RC	Felony
Persons Checked (Adults)	3 P	Patrol	9	Non-Haz NH	Off #1	Off #2	Red Light		Class "A"
Juveniles Checked	J	Traffic	1	Class C C	Off #1	Off #2	School Zone	SZ	Class "B"
Vehicle Checked	5 V	Comm. Policing		Parking PK	Off #1	Off #2	Un-restrained Child		Class "C"
LPR Vehicle checks		Admin		Curfew	Juv	Parent	Traffic Focus		TOTAL
LPR Hits		Reports	Off #1	Off #2	Mun. Code Viol		Stop Sign		DWI
Accident Inv.	1 AI	Inc Rpt	2		Sored		Sealbelt		Felony
Accident Adv.	1 AV	Traffic Rpt		1	Cell Phone Adv		Cell Phone C4		Misd
									Traffic Stop Arrests
									Minds Detectable

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer [Signature] Date: 7/23/16 No. 2 Officer [Signature] Date: 7/23/16

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
530	557	27	9011 Escobar	87	Shift meeting	
			10-8			
500	550	50	9441 Alameda	86	Abandoned Veh ref 81-83	(B)
			Handled by 7A187	16-204238		IV
			veh stopped held for 574			
725	740	15/95	400 N. Fairbrough	84	10-10	
740	748	10/105	1015 Wall	81	Sig 48 10-22 10-8	
804	821	17/125	145 Janglewood	86	Sig 48 Vok HE Leasary	

8-22-16

EPD 36-22-110
Revised 01-2015

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	
			Sammy Valenzuela			
			Marquette		A/W. Esquivel	
835	920	45/15	9011 Escobar	87	B-2 Carwash	
			1088			
947	1008	55/11	7829 Alameda	82	Sig 85 on 81 16-205077	102
			T. [REDACTED]		Torres, A/Freda	15
			14601 Ererion Trail		TX H 76114770	1V
1023	1026	5/30	8494 Alameda	87	Sig 48 Panic Alarm. VOK	
			outside large barbed wire fence appears empty			102
1035	1051	20/16	8567 Alameda	84	Sig 37 NM KLV 079	1V
			Raul Perez		Sig 1 county line MUDH	15
			[REDACTED]		Cit 18-953214 Right turn too	102
			wide			
1052	1105	15/23	7392 Alameda	82	New Deal TP ✓ Area	
			UTL on Subj 10-8			
1120	1144	23/20	7918 Monterey	84	Crim Misch. 16-205087	101
			Hyde Evelyn		1609 St. by TK Gm H	15
			[REDACTED] Report Subj. Gm H			1V
1200	1339	100/36	107 Lafayette	83	Susp. VCL. [REDACTED]	1V
			16-205093		veh stored blocking canal area	102
			Cancelled Case No		Using 16-205077 81-83	
			From 7829 Alameda		port 102 veh stored	
1400	1530	20/30	9011 Escobar		B-2 report writing	
			16-205077 81-83		16-205087 Crim Misch	

IF WORKING A TXDOT GRANT

I understand that this information is being submitted to support a claim against a federally-funded grant program. False statements on this form may be prosecutable under 18 USC 1001, state statutes or any other applicable law or rule. This information on this form is true, correct, and complete to the best of my knowledge and ability.

Officer Signature / Date

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

El Paso Police Department * Mission Valley Regional Command * 9911 Escobar Dr. * 9152128300									
Daily Work Schedule: Saturday, July 15, 2016 * Days Shift									
Supervisors / Desk Personnel									
Personnel:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Camra:	note:
Off Sanchez, Gilbert 2278	05:00-15:00	1S801		2278PD					
Sgt Bentley, Steffan B. 2118	05:00-15:00	1LB2		2118PD					
Field Personnel									
Officers:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Camra:	note:
Elizalde, Martina 1817	05:30-15:30	1S181	V11087	1817PD	T42			FV01	
De Avila, Jose 1988	05:30-15:30	1F183		1888PD					switched with MADRID 7/13/16
Mendez, Ricardo 2211	05:30-15:30		V10082	2211PD	T45		LA2	FV28	
Hernandez, Sergio 2418	05:30-15:30	1F185	V14042	2418PD	T53		LA3	FV14	
Telles, Johnathan A 3033 ()	05:30-15:30			3033PD					
Chavez, Robert 2297	05:30-15:30	1F188	V10083	2297PD	T39			FV13	
Portillo, Paul 1332	05:30-15:30			1332PD					
Shift Notes:									
2822	07/16/2016	Available 12 Gripped ?							
2822	07/16/2016	Arrignment date: August 15, 2016							

CR

Days Off		VAC/SLP/Other Leaves	Training/TDY/Rescheduled Day Off
Abascal 2231	Estrada C1455	Sanchez 1789-Adm	Madrid 2010 (Rdo) -switched with De Avila 7/13/16
Gomez 2078	Gutierrez 1247	Minjares 1605-Spd	
Hernandez 1998	Hernandez 744	Lujan 1390-Cwp	
Ramirez 1981	Romero 1480	Gonzalez 1845-Vac	
Salcido 1849			

Revised: 7/17/2016

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

El Paso Police Department * Mission Valley Regional Command * 9011 Escobar Dr. * 9152128300									
Daily Work Schedule: Friday, July 29, 2016 * Days Shift									
Supervisors / Desk Personnel									
Personnel:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Comra:	note:
Cvi Estrada, Irma C1455	05:00-14:00	1S800		C1455					FRONT DESK CLERK
Lt Salcido, Pedro 1649	05:00-15:00	1L8	V08141	1649PD					
Sgt Lujan, Lawrence 1390	05:00-15:00	1L80	V11104	1390PD	T41				
Off Sanchez, Gilbert 2278	05:00-15:00	1S801		2278PD					
Field Personnel									
Officers:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Comra:	note:
Mendez, Ricardo 2211	05:30-15:30	1F181	V07174	2211PD	T43		LA5	DC-63	AE-010
Telles, Johnathan A 3033 ()	05:30-15:30			3033PD					AE-029
Gonzalez, Marco A. 1845	05:30-15:30	1F182	V10084	1845PD	T33			DC-78	AE-043
Hernandez, Cruz 1998	05:30-15:30			1998PD					AE-022 RR-11
Chavez, Robert 2297	05:30-15:30	1F183	V07180	2297PD	T44		LA4	DC-75	AE-012
Madrid, Benito 2010	05:30-15:30			2010PD					AE-037
Ellizalde, Martina 1817	05:30-15:30	1F186		1817PD					AE-003
Portillo, Paul 1332	05:30-15:30		V11097	1332PD	T40			FV25	AE-001 RR-3
Shift Notes:									
C1455	07/13/2016	ARRAIGNMENT DATE: AUGUST 25, 2016							
1408	07/29/2016	GRIPED: 6 AVAILABLE: 10							

LR
Li BPD

Days Off		VAC/SLP/Other Leaves	Training/TDY/Rescheduled Day Off
Abascal 2231	De Avila 1986	Sanchez 1769-Adm	
Gomez 2076	Gutierrez 1247	Beniley 2118-Vac	
Hernandez 744	Hernandez 2416		
Minjares 1505	Remirez 1961		
Romero 1408			

Revised: 7/30/2016

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

Daily Work Schedule: Saturday, September 24, 2016 * Days Shift

Personnel:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Off Hernandez, Lorenzo 744	05:00-13:00	1S802		744PD					
Off Sanchez, Gilbert 227B	05:00-15:00	1S801		227BPD					
Sgt Ramirez, Arturo 1961	05:00-15:00	1L81	V11104	1961PD	T51				

Officers:	WkHrs:	Unli:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Abascal, Vidor 2231	05:30-15:30	1F181	V11100	2231PD	T39		LA2	OC-80	
Da Avila, Jose 1986	05:30-15:30			1986PD					
Chavez, Robert 2287	05:30-15:30	1F182	V11101	pd2287	T40		LA4	FV23	
Elizalde, Martina 1817	05:30-15:30			1817PD					
Minjares, Jorge 1505	05:30-15:30	1S184	V14042	1505PD	T54			FV01	
Gomez, Albert 2078	05:30-15:30	1F187	V07180	2078PD	T35			DC-54	
Hernandez, Cruz 1998	05:30-15:30			1998PD					

1390 08/29/2016 GIS



Q nathan

El Paso Police Department * Northeast Regional Command * 9600 Dyer Street, El Paso, TX 79924 * 9152128247

Daily Work Schedule: Saturday, November 05, 2016 * Days Shift

Supervisors / Desk Personnel

Personnel:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Off Hernandez, Lorenzo 744	05:00-13:00	1S803		744PD					
Sgt Lujan, Lawrence 1390	05:00-15:00	1L80	V08141	1390PD	T56				
Sgt Bentley, Steffan B. 2118	05:00-15:00	1L82	V05022	2118PD					
Off De Avila, Jose 1986	05:30-15:30	1S800		1986PD					

Field Personnel

Officers:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Off Hernandez, Cruz 1998	05:30-15:30	1F181		1998PD	T42		LA3	FV18	ae019
Off Portillo, Paul 1332	05:30-15:30			1332PD					ae-043
Off Chavez, Robert 2297	05:30-15:30	1F183	V14042	2297PD	T43		LA2	DC-71	ae-41
Off Minjares, Jorge 1505	05:30-15:30			1505PD					ae-011
Off Elizalde, Martina 1817	05:30-15:30	1S188	V10080	1817PD	T45			FV11	ae033
Off Garelick, Theodore N 3053 (CO)	05:30-15:30	1S985	V07022	3053PD	T35			FV16	ae017

ShiftNotes:

1390 10/28/2016 Matachines 7612 Hemisillo 10-1700; road closure

Days Off		VAC/SLP/Other Leaves	Training/TDY/Rescheduled Day Off
Abascal 2231	Estrada C1455	Gonzalez 1845-Vac	
Gomez 2076	Gutierrez 1247	Romero 1408-Vac	
Gutierrez 2314	Madrid 2010	Mendez 2211-Spd	
Ramirez 1961	Salcido 1649		
Sanchez 2278	Sanchez 1769		

Revised: 12/29/2016

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO:



EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM

Name & ID #: S. Bentley #2118 Rank: Sgt. Assignment: MVRCC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case # IA16-0475

You have been identified as a witness in the above referenced administrative investigation. You will be asked questions related to your personal knowledge of events that are at issue in this administrative investigation. Pursuant to Department policies, procedures, rules and/or regulations all employees will cooperate fully with the Internal Affairs Division during an administrative investigation. Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, your status as a witness will change and you will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

You are also advised that your status as a witness will change to an accused officer if you make admissions during the investigation or evidence establishes that your conduct amounts to a deviation from or violation of Department policies, procedures, rules and/or regulations, City of El Paso policies, procedures, rules and/or regulations, Civil Service rules and regulations or the laws of the United States and Texas. In the event that such occurs, you will be notified accordingly and you will be entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I have been advised of my rights and do fully understand them.

Officer's Initials SBB

Confidentiality Order

You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Det. D. Holguin #1978 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials _____

SBB
Officer's Signature
D. Holguin 1978
Witness Signature

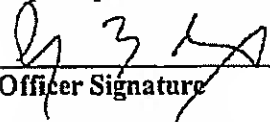
12/16/16 0905
Date/Time
12-16-16 0905
Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

**El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement**

I, Sgt. Steffan Bently, am requesting a copy of my sworn statement which was provided to Internal Affairs on 12-16-16. Please consider this as my open records request per section 552 Texas Government Code.



Officer Signature

The fees associated with this request have been waived by the Chief's discretion.

**PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)**

DATE: BY: TO



EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM

Name & ID #: Jorge Minjares #1505

Rank: Officer

Assignment: MVRCC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case # IA16-0475

You have been identified as a witness in the above referenced administrative investigation. You will be asked questions related to your personal knowledge of events that are at issue in this administrative investigation. Pursuant to Department policies, procedures, rules and/or regulations all employees will cooperate fully with the Internal Affairs Division during an administrative investigation. Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, your status as a witness will change and you will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

You are also advised that your status as a witness will change to an accused officer if you make admissions during the investigation or evidence establishes that your conduct amounts to a deviation from or violation of Department policies, procedures, rules and/or regulations, City of El Paso policies, procedures, rules and/or regulations, Civil Service rules and regulations or the laws of the United States and Texas. In the event that such occurs, you will be notified accordingly and you will be entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I have been advised of my rights and do fully understand them.

Officer's Initials Tom

Confidentiality Order

You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Det. D. Holguin #1978 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials Tom

Jorge Minjares #1505
Officer's Signature

12-22-16 9:02 hrs
Date/Time

D. Holguin 1978
Witness Signature

12-22-16 9:05 hrs
Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement

I, Officer Jorge Minjares #1505 am requesting a copy of my sworn statement which was provided to Internal Affairs on 12-22-16. Please consider this as my open records request per section 552 Texas Government Code.

J Minjares #1505
Officer Signature

The fees associated with this request have been waived by the Chief's discretion.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

12/10/18 C1722

D nathan



EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM

Name & ID #: P. Salcido #1649 Rank: Lt. Assignment: MVRCC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case # IA16-0475

You have been identified as a witness in the above referenced administrative investigation. You will be asked questions related to your personal knowledge of events that are at issue in this administrative investigation. Pursuant to Department policies, procedures, rules and/or regulations all employees will cooperate fully with the Internal Affairs Division during an administrative investigation. Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, your status as a witness will change and you will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

You are also advised that your status as a witness will change to an accused officer if you make admissions during the investigation or evidence establishes that your conduct amounts to a deviation from or violation of Department policies, procedures, rules and/or regulations, City of El Paso policies, procedures, rules and/or regulations, Civil Service rules and regulations or the laws of the United States and Texas. In the event that such occurs, you will be notified accordingly and you will be entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I have been advised of my rights and do fully understand them.

Officer's Initials PMS

Confidentiality Order

You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Det. D. Holguin 1978__ will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials PMS

Pedro A. Salcido
Officer's Signature
D. Holguin 1978
Witness Signature

12-20-16 0916
Date/Time
12-20-16
Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



**EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM**

Name & ID: Gilbert Sanchez #2278

Rank: Officer

Assignment: MVRCC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case #IA16-0475

You have been identified as a witness in the above referenced administrative investigation. You will be asked questions related to your personal knowledge of events that are at issue in this administrative investigation. Pursuant to Department policies, procedures, rules and/or regulations all employees will cooperate fully with the Internal Affairs Division during an administrative investigation. Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, your status as a witness will change and you will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

You are also advised that your status as a witness will change to an accused officer if you make admissions during the investigation or evidence establishes that your conduct amounts to a deviation from or violation of Department policies, procedures, rules and/or regulations, City of El Paso policies, procedures, rules and/or regulations, Civil Service rules and regulations or the laws of the United States and Texas. In the event that such occurs, you will be notified accordingly and you will be entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I have been advised of my rights and do fully understand them.

Officer's Initials GS

Confidentiality Order

You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Det. D. Holguin 1978 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials _____

[Signature]
Officer's Signature

12-28-16 / 0900
Date/Time

[Signature]
Witness Signature

12-28-16 / 0900
Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



EL PASO POLICE DEPARTMENT
NOTIFICATION OF ALLEGATIONS
RIGHTS AND RESPONSIBILITIES FORM

Name ID # Martina Elizalde #1817 Rank Officer Assignment MVRCC

This will serve as notification to you that a complaint has been forwarded to: Internal Affairs Division:
IA16-0475

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

Department policy provides that you have a right to be advised in writing of the allegation even if the allegation is such that it will not result in the filing of criminal charges or the filing of charges seeking your separation from the Department. Accordingly, you are hereby advised that the following allegation(s) have been attributed to you:

- Rule 1 et seq., El Paso Police Departments Procedures Manual Addendum, Rules and Regulations *Knowledge to policies & procedure*
- Rule 5 et seq., El Paso Police Departments Procedures Manual Addendum, Rules and Regulations *Disresp. to supervisor*
- Rule 14 et seq., El Paso Police Departments Procedures Manual Addendum, Rules and Regulations *Verbal Abuse*
- Rule 27 et seq., El Paso Police Departments Procedures Manual Addendum, Rules and Regulations *Edg, etc.*
- City of El Paso Civil Service Rule 8 et seq.
- Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
- Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and /or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials ME

Confidentiality Order


You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with Anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Detective D. Holguin #1978 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

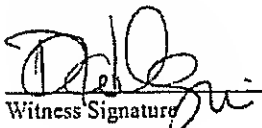
Officer's Initials MA

The undersigned hereby acknowledges receipt in writing of notification of the allegation(s) made against him/her, and bis/her rights and responsibilities.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

 1217
Officer's Signature

 1217
Witness Signature

01/05/2017 08 48 Lm
Date/Time

1-5-17- 88 Dan
Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO:



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
FIRST NOTICE FORM - SWORN**

AFFECTED EMPLOYEE(S): Off. M. Elizalde #1817

FROM: INTERNAL AFFAIRS DIVISION: Detective D. Holguin #1978

SUBJECT: First Notice to Employee reference IA16-0475

This is to notify you that the Internal Affairs Division has initiated an investigation on allegations noted in the attached Preliminary Information Document. Employees involved in this case are instructed not to contact anyone associated with this case. The Internal Affairs Division will conduct the investigation.

A copy of this First Notice Form and the Preliminary Information Document has been issued to involved employee(s).

ME
Initials

Commissioned employees are reminded they may voluntarily and at anytime during the course of their employment with the El Paso Police Department attend the stress management program as referred in the current Articles of Agreement between the City of El Paso, Texas, and the El Paso Municipal Police Officers Association.

ME
Initials

Jennifer F. Callan
Director of Professional Responsibility

Affected Employee: ME

Date/Time: 01/05/2017 0846 hrs

Witness: D. Holguin 1978

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM

Name & ID #: Lawrence Lujan #1390 Rank: Sgt. Assignment: MVRCC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case # IA16-0475

You have been identified as a witness in the above referenced administrative investigation. You will be asked questions related to your personal knowledge of events that are at issue in this administrative investigation. Pursuant to Department policies, procedures, rules and/or regulations all employees will cooperate fully with the Internal Affairs Division during an administrative investigation. Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, your status as a witness will change and you will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

You are also advised that your status as a witness will change to an accused officer if you make admissions during the investigation or evidence establishes that your conduct amounts to a deviation from or violation of Department policies, procedures, rules and/or regulations, City of El Paso policies, procedures, rules and/or regulations, Civil Service rules and regulations or the laws of the United States and Texas. In the event that such occurs, you will be notified accordingly and you will be entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I have been advised of my rights and do fully understand them.

Officer's Initials LL

Confidentiality Order

You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. _____ will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials LL

Officer's Signature [Signature]

Witness Signature [Signature]

Date/Time 01/04/16 1115 hrs

Date/Time 1-4-16 1115 hrs

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM

Name & ID: Art Ramirez #1961 Rank: Sergeant Assignment: MVRCC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case #IA16-0475

You have been identified as a witness in the above referenced administrative investigation. You will be asked questions related to your personal knowledge of events that are at issue in this administrative investigation. Pursuant to Department policies, procedures, rules and/or regulations all employees will cooperate fully with the Internal Affairs Division during an administrative investigation. Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, your status as a witness will change and you will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

You are also advised that your status as a witness will change to an accused officer if you make admissions during the investigation or evidence establishes that your conduct amounts to a deviation from or violation of Department policies, procedures, rules and/or regulations, City of El Paso policies, procedures, rules and/or regulations, Civil Service rules and regulations or the laws of the United States and Texas. In the event that such occurs, you will be notified accordingly and you will be entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I have been advised of my rights and do fully understand them.

Officer's Initials AR 1961

Confidentiality Order

You are being given a direct order by Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Det. D. Holguin 1978 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials AR 1961

Art Ramirez 1961
Officer's Signature

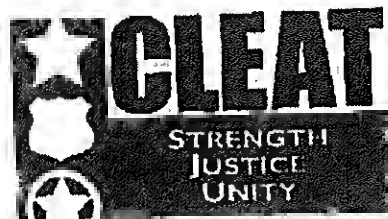
12-30-2016 0730 hrs
Date/Time

[Signature]
Witness Signature

12-30-16 0731 hrs
Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO



COMBINED LAW ENFORCEMENT ASSOCIATIONS OF TEXAS

PLEASE RESPOND TO
THE OFFICE CHECKED

- ☐ Administration Office
400 W. 14th St., Suite 200
Austin, TX 78701
512/493-9111
512/493-9301 FAX
800/232-8153 WATS
- ☐ North Texas Office
904 Collier
Fort Worth, TX 76102
817/882-9348
817/882-9386 FAX
800/823-3281 WATS
- ☐ South Texas Office
1939 N.E. Loop 410, Suite 210
San Antonio, TX 78217
210/826-1899
210/826-2299 FAX
800/752-5328 WATS
- ☐ East Texas Office
14405 Wakers Rd., Suite 300
Houston, TX 77014
281/880-5252
281/880-9998 FAX
800/422-3328 WATS
- ☒ West Texas Office
747 E. San Antonio, Suite 103
El Paso, TX 79901
915/533-4924
915/533-5117 FAX
800/328-9940 WATS
- ☐ Coastal Bend Office
3123 Leopard St.
Corpus Christi, TX 78408
361/883-3324
361/884-8357 FAX
- ☐ Golden Triangle Office
595 Orleans St., Suite 412
Beaumont, TX 77701
409/212-9000
409/212-9007 FAX
866/992-5328 WATS
- ☐ Rio Grande Valley Office
1939 W. Owens Road
Edinburg, TX 78539
956/702-4442
956/223-2552
- ☐ Northeast Texas Office
2427 Baker Dr., Suite D
Mesquite, TX 75150
972/686-5220
- ☐ Arlington Office
1801 West Park Row
Arlington, TX 76013
817/792-3534

www.cleat.org

DOCUMENT TRANSMITTAL

From: Jim Jopling
Facsimile: (915) 533-5117
Jim.jopling@cleat.org

February 17, 2017

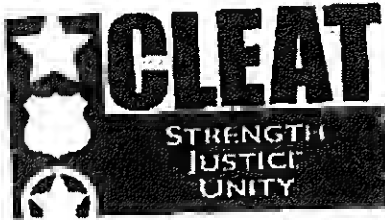
RE: Appeal Letter of Suspension; Our File No. EP-17-016
Martina Elizalde
Your file number 1A16-0475

Total pages including this cover page: 3

TO:	VIA:
Gregory Allen Chief of Police El Paso Police Department 911 North Raynor Street El Paso, Texas 79903	via facsimile, (915) 212-0281
City Attorney	via facsimile, (915) 212-0034
Linda Ball Thomas El Paso Civil Service Commission 300 N. Campbell El Paso, Texas 79901	via facsimile, (915) 212-0046
EPMPOA Discipline Committee Chair	via hand delivery
Martina Elizalde	via hand delivery

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



COMBINED LAW ENFORCEMENT ASSOCIATIONS OF TEXAS

February 17, 2017

PLEASE RESPOND TO
THE OFFICE CHECKED

- ☐ Administration Office
400 W. 14th St., Suite 200
Arlingn, TX 78701
512/495-9111
512/495-9301 FAX
800/252-8153 WATS
- ☐ North Texas Office
904 Collier
Fort Worth, TX 76102
817/882-9548
817/882-9586 FAX
800/825-3281 WATS
- ☐ South Texas Office
1939 N.E. Loop 410, Suite 210
San Antonio, TX 78217
210/826-1899
210/826-2299 FAX
800/752-5328 WATS
- ☐ East Texas Office
14403 Wabash Rd., Suite 300
Houston, TX 77014
281/850-5252
281/850-9998 FAX
800/422-5328 WATS
- ☒ West Texas Office
747 E. San Antonio, Suite 101
El Paso, TX 79901
915/533-4924
915/533-5117 FAX
800/328-9940 WATS
- ☐ Coastal Bend Office
3123 Leopard St.
Corpus Christi, TX 78408
361/883-3224
361/884-8357 FAX
- ☐ Golden Triangle Office
595 Orleans St., Suite 412
Beaumont, TX 77701
409/212-9000
409/212-9007 FAX
866/992-5328 WATS
- ☐ Rio Grande Valley Office
1939 W. Owens Road
Edinburg, TX 78539
956/702-4442
956/223-2332
- ☐ Northeast Texas Office
2427 Baker Dr., Suite D
Mesquite, TX 75130
972/686-3320
- ☐ Arlington Office
1601 West Park Row
Arlington, TX 76013
817/792-3534

www.cleat.org

via facsimile (915) 212-0046

El Paso Civil Service Commission
300 N. Campbell
El Paso, TX 79901

Re: Appeal Letter of Suspension; Our File No. EP-17-016
Martina Elizalde
Your file number IA16-0475

Dear Civil Service Commission,

This letter constitutes an appeal from the above-referenced Notice of Discipline pursuant to Article 21 of the Articles of Agreement between the City of El Paso, Texas and the El Paso Municipal Police Officers' Association (the "CBA")

Appeal of Notice of Discipline

Grievant received the above-referenced notice of suspension on or about February 10, 2017. The notice of discipline is dated January 18, 2017 and is hereby incorporated herein by reference for all purposes as if fully set forth at length.

Grievant denies each and every, all and singular, the allegations contained within the notice of discipline and demands strict proof thereof by the employer.

By appealing the notice of discipline, Grievant seeks removal of the discipline, back pay and full restoration of any and all benefits that would have accrued but for the discipline including, but not limited to, co-payment of retirement benefits, accrual of sick leave, accrual of vacation leave and accrual of credit under the Family Medical Leave Act.

Request for Arbitration

Grievant hereby requests that his case be heard by a neutral and detached arbitrator. The Grievant requests the next hearing officer on the rotation, in

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

accordance with the applicable provisions of the CBA.

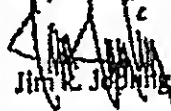
Request for Witness List

Pursuant to Article 21, Section 1.B., request is hereby made that the employer provide the names of witnesses expected to be called at the hearing as well as any statements of witnesses expected to be called not coming within the attorney's work product privilege.

Request for Discovery

Request is hereby made that you provide true and correct copies of the written materials and tangible things in the possession of the employer that form the factual and evidentiary basis for the proposed disciplinary action including, but not limited to: (a) any document that may be considered inconsistent with the theory of discipline or that could tend to mitigate the contemplated sanction; (b) the entire Internal Affairs file regarding the incident and the employee made the basis of the above-referenced discipline; and (c) any and all audio recordings of the Grievant and any other witness.

Respectfully submitted,


Jim E. Johnson

cc: Gregory Allen, Chief of Police,
City Attorney
Linda Ball Thomas
Martina Elizalde
EPMPOA Discipline Committee Chair,

via facsimile, (915) 212-0281
via facsimile, (915) 212-0034
via facsimile, (915) 212-0046
via hand delivery
via hand delivery

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



El Paso Police Department

Mayor
Oscar Leeser

TO: Sgt. L. Lujan

FROM: Officer Paul Portillo #1332

DATE: 07-29-2016

City Council

RE: Requesting not to work/patrol with Officer Martina Elizalde

District 1
Peter Svarzbein

District 2
Jim Tolbert

District 3
Emma Acosia

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Noland

City Manager
Tommy Gonzalez

I am requesting that I not be paired up full crew while patrolling with Officer Martina Elizalde. It has come to my attention that Officer Elizalde is willing to not tell the truth when assisting Officers out in the field. I was working full crew with Officer Robert Chavez #2297 on July 16, 2016. We went to a call reference a family fight. Officer Elizalde called out being close to the family fight which was as at 138 Borunda. The victim was at 138 Borunda. Officer Elizalde then called out coming up to the offender's home on the 8700 block of Old County. Borunda and Old County are approximately five to six blocks apart. We were responding from Yarbrough and North Loop. Officers Portillo and Chavez went to go back up Officer Elizalde on Old County. Officers arrived and saw Officer Elizalde interviewing the offender outside the house. Officer Elizalde did not make contact with the Officers. Officers Portillo and Chavez stood by as back up. Since Officer Elizalde was interviewing the offender, Officer Portillo asked Officer Elizalde if she was going to handle the case and go and speak with the victim. Officer Elizalde stated "Nope" and stood by. Nothing was said and Officer Elizalde got in to her vehicle and left without saying a word to the Officers as Officers and offender stood by. Officers thought Officer Elizalde was going to go speak with the victim but did not. Officer Elizalde called out on the radio going 10-8 assisted and enroute to the station. Officers Portillo and Chavez looked at each other and began to handle the call. Officers took the offender to where the victim was and determined that a crime was committed. See case #16198065. The offender was arrested and booked in to jail.

I understand Officer Elizalde spoke to Sgt. S. Bentley. Officer Elizalde told Sgt. Bentley that she told Officers Portillo and Chavez that she was okay being alone with the offender and to go and speak with the victim. Officer Elizalde never said anything to the Officers as they stood by. Officer Portillo and Chavez stood by as back up to Officer Elizalde and she just left.

I feel I cannot trust Officer Elizalde as she is willing to not tell the truth while working with Officers and not willing to get involved while handling Police calls.

Officer Paul Portillo #1332

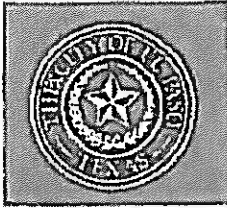
Mission Valley Police / Day Shift

Gregory K. Allen, Chief of Police
911 N. Raynor | El Paso, Texas 79903 | (915) 212-4000

"Delivering Outstanding Services"

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/10/18 BY: C1722 TO: D nathan



El Paso Police Department

Mayor
Oscar Leeser

City Council

District 1
Peter Svarzbein

District 2
Jim Tolbert

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michael R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Coriney C. Noland

City Manager
Tommy Gonzalez

TO: Sgt. L. Lujan

FROM: Officer Paul Portillo #1332

DATE: 07-30-2016

RE: Terminating complaint against Officer Martina Elizalde #1817

I am requesting to terminate my complaint against Officer Martina Elizalde. I would like to have my complaining memo back and terminate any investigation that has been pending or in progress.

Officer Paul Portillo #1332

MVRCC Day Shift

Paul Portillo #1332

07/31

Immediately after telling Paul that he needed to make sure to go 10.2 from his scenes, he texted me saying that he wanted to do this.

06-13-10

*07-30-16
Received
#1332
from me by*

Gr

911 N. Raynor

"Deliver"

PUBLIC RECORDS INFORMATION

ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY TO



ADMINISTRATIVE POLICIES AND PROCEDURES

Policy ID: Human Resources
Subject: Violence in the Workplace Policy
Creation Date: June 15, 2011
Revision Date: October 13, 2015
Prepared By: Human Resources Department
Approved By: City Manager
Legal Review Date: October 13, 2015
Legal Review: Elizabeth Ruhmann

VIOLENCE IN THE WORKPLACE POLICY

I. POLICY:

The City of El Paso is committed to maintaining a workplace that is free from hostility, violence or threats of violence. The City has a zero-tolerance policy for workplace violence and will not tolerate violent and/or threatening behavior, as defined herein.

This policy applies to all employees to include civil service, non-civil service, and uniformed personnel while they are in the workplace worksite, as defined herein.

Employees are prohibited from engaging in violent and/or threatening behavior toward any other employee or third party.

All violent and/or threatening behavior will be taken seriously.

The possession of a weapon on a workplace worksite, including open carry and concealed handguns, is strictly prohibited, with the exception of authorized law enforcement and security personnel. The use of any weapon, defined herein, against another person will be considered to be a violation of this policy.

In addition, the City will not tolerate retaliation against an employee who reports violent and/or threatening behavior, the threat of such behavior, or who reports the possession of a weapon by an employee.

An employee who is involved in a confrontation is expected to walk away before the situation results in violent and/or threatening behavior.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

Violation of this policy will result in disciplinary action up to and including termination.

II. DEFINITIONS:

- A. Bullying – Abusive treatment, including the use of force or coercion to affect others, particularly when habitual and involving an imbalance of power. It may involve verbal harassment or physical assault and may be directed persistently towards particular victims, perhaps on grounds of race, religion, sex, or ability. The “imbalance of power” may be social power and/or physical power. The victim of bullying is sometimes referred to as a target. Bullying consists of three basic types of abuse – emotional, verbal, and physical. It typically involves subtle methods of coercion such as intimidation.
- B. Hostility – Hatred, unreasonable anger or antagonism. Acting in an unreasonably aggressive manner in any way towards another.
- C. Restraining Order - A temporary order of a court to preserve current conditions as they are until a hearing is held at which both parties are present. The employee should be encouraged to include the work location, as well as place of residence in the order or injunction.
- D. Retaliation - Includes any adverse employment action taken against an employee for filing a complaint under a variety of laws. Employees supporting another employee's complaint or testifying as a witness are afforded the same protection from adverse employment action as an employee bringing forth a complaint.
- E. Safety Coordinator - A representative assigned by each Department Director to oversee and coordinate safety measures within the department.
- F. Security Contact - A Security Guard whether employed or by contract, alarm security monitoring system personnel, Safety Officer, El Paso Police Officer, Airport Police Officer, Code Compliance Peace Officer, and/or Park Police Officer.
- G. Supervisor - Includes but is not limited to an employee who oversees the work direction, work schedule, discipline, training, and evaluation of another employee. Examples include executives, managers, crew leaders, and project leaders.
- H. Violent and/or Threatening Behavior - Verbal or physical conduct in the workplace worksite that may be reasonably construed to be hostile in nature, including, but not limited to:
 - Violent physical actions
 - Direct or implied threats to do harm to person or to property, including intimidating use of one's body or physical objects
 - Verbally abusive or intimidating language or gestures

- Threatening, abusive, or harassing communication (for example, phone calls, letters, memoranda, faxes, e-mail, or voice mail messages)
 - Unauthorized possession of a weapon at the worksite
 - Destructive or sabotaging actions against City or personal property
 - Engaging in a pattern of unwanted or intrusive behavior against another (for example, stalking, spying, etc.)
 - Violation of a restraining order
 - Bullying
- I. Weapon - Any item that is used to threaten or commit violence, including but not limited to those terms listed in §46.01 of the Texas Penal Code (2011), or as amended. This definition is intended to include any object that is used in a threatening or menacing manner.
- J. Workplace Worksite - Buildings owned or controlled by the City of El Paso; City vehicles and private vehicles while used on City business; other assigned work locations, and off-site training locations.

III. PROCEDURES

A. Policy Guidelines

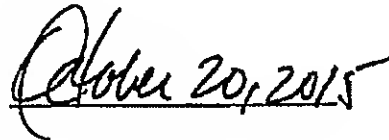
- An employee or individual who has actual knowledge of, witnesses, or reasonably perceives any violent, threatening or hostile behavior, by anyone at a workplace worksite, shall report such behavior as soon as practicable, to any of the following: Security Contact, Departmental Human Resources Manager, Supervisor, or the Human Resources Department. An employee shall make such report(s) regardless of who commits the act or engages in the conduct or behavior. If there is uncertainty as to whether an act constitutes violent and/or threatening behavior, the concerned individual(s) shall discuss the matter with their immediate supervisor, with the Departmental Human Resources Manager or with the City's Human Resources Department.
 - The Human Resources Director will conduct a prompt investigation in response to an identified concern.
 - Employees will cooperate fully in any investigation efforts by the Departmental Human Resources Manager and the City's Human Resource Director.
- B. Supervisors Reporting - Supervisors will immediately report to the Departmental Human Resources Manager or City's Human Resources Director, any violent and/or threatening behavior.
- C. Disciplinary Action - Department Directors will take appropriate disciplinary action in response to employee involvement in violent and/or threatening behavior. Appropriate action may include discipline up to and including termination:

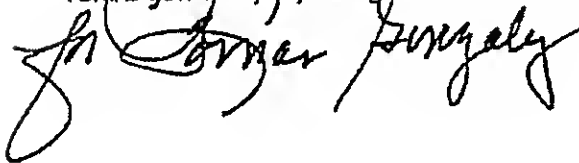
- When an employee engages in violent and/or threatening behavior on duty;
- When an employee fails to report actual or potential violent and/or threatening behavior;
- When an employee engages in violent and/or threatening behavior off duty; or
- When an employee is in possession of an unauthorized weapon or open carry or concealed handgun in the workplace worksite.
- All disciplinary actions will be coordinated with the Departmental Human Resources Manager or the Human Resources Director.

APPROVED BY:


TOMAS GONZALEZ, City Manager

DATE:


October 20, 2015


John Gomez

4
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

MY NOTES

Beginning on May 23 2016 I will be adding to this folder events on my assigned officers to track their, Performance, Conduct or Attendance to manage them better. Note are some previous notes I have taken from the past. I received this training and advise from past management classes I have attended.

SB 2118

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

EMPLOYEE DISCUSSION RECORD

EMPLOYEE NAME: Martina Elizalde #1817

DATE: 09/21/16

Specific details of the attendance, performance, or conduct issue, including date, time and place:

This Employee Discussion Record is being generated to document a pattern of conduct towards other employee(s) and third party(s), that is unprofessional, hostile, violent and/or threatening, and which creates a hostile work environment for the members of your team and community.

07/16 You displayed hostility and violent/threatening behavior (alleged to have told a probationer "don't you ever fucking do that again or I am going to kick your fucking ass" for having splashed your windshield during the car wash. This issue was addressed by Sgt. Bentley.

09/14/16 During shift meeting on 09/20/16, you were directly asked if you would be taking the detectives test. When you did not respond, you had to be asked two more times due to your intentionally ignoring me and the question. Finally on the third request you made a facial scowl, and shrugged your shoulders, not providing verbal response. I had to ask you a third request you responded with unreasonable anger by making a facial scowl and saying "I don't know". The question was asked to assist be able to account for staffing on the day of the Detectives Test. To be offended and and your hostile response is conduct that is detrimental to a positive working environment, demonstrates an unapproachable manner. Your gestures and response on that date were intimidating and hostile and caused an immediate reaction by the shift. This Hostility is a violation of the Violence in the Workplace Policy.

11/05/16 On this date, Sgt. S. Bentley #2118 issued you an email EDR issued by Lt. Salcido. That EDR documented an incident where you were observed to create an officer safety issue involving allowing your prisoner to partially handcuffed. When given the notice to sign, you in a loud and angry voice stated "I don't give a fuck, handcuffs have never been deadly weapons" This type of outburst is unprofessional and unacceptable

Prior discussion or corrective action on this subject, including date, time and place:

SPRD FORM 36-22-108
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

07/29/16 You were issued an EDR addressing an incident of this type where you again demonstrated conduct that is unprofessional and reflects poor communication effectiveness. That is it demonstrates that you are not maintaining an open and approachable manner, not functioning as part of a team and are clearly aware of the impact of your actions to self and others.

Policy or rule on this subject:
City of El Paso Violence in the Workplace Policy 10/13/15 review
3-201 Shift Meetings
EPPD Core Values
EPPD Code of Ethics

Summary of action to be taken, and timeline:
Immediately correct your conduct issue and comply with the expectations provided by Lt. Salcido

Immediately cease your hostility when spoken to or asked questions.

Consequence of failure to improve performance or corrective behavior:

Progressive discipline and Administrative Actions

Intended Improvement – Employee's Comments:
Enter Employee handwritten comments here:

EMPLOYEE'S SIGNATURE DATE

SUPERVISOR'S SIGNATURE DATE

EPPD FORM 36-22-108
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

EMPLOYEE DISCUSSION RECORD

EMPLOYEE NAME: Officer Martina Elizalde #1817

DATE: 04/01/15

Specific details of the attendance, performance, or conduct issue, including date, time and place:

03/17--You were directed to leave the station and to patrol--you became argumentative at the direction. You were directed to comply

03/24--You were again directed to leave the station and to patrol--you became argumentative at the direction. You were directed to comply.

03/24--You cursed and argued as to why you needed to provide Information (injuries) in your accident reports. You were directed to comply.

03/25--I rejected a motor vehicle accident for clarifications and you again cursed and became argumentative and being directed to make corrections. You were directed to comply with the directive.

Prior discussion or corrective action on this subject, including date, time and place:

03/17--You were directed to leave the station and to patrol--you became argumentative at the direction. You were directed to comply

03/24--You were again directed to leave the station and to patrol--you became argumentative at the direction. You were directed to comply.

03/24--You cursed and argued as to why you needed to provide Information (injuries) in your accident reports. You were directed to comply.

03/25--I rejected a motor vehicle accident for clarifications and you again cursed and became argumentative and being directed to make corrections. You were directed to comply with the directive

Policy or rule on this subject:

RULE NO. 4 DERELICTION OF DUTY

Dereliction of Duty on the part of any officer prejudicial to the proper performance of the functions of the Department is cause for disciplinary action.

The following constitute violations under this rule:

- a. Failure to observe and give effect to policies and directives of the Department.
- b. Failure to obey orders or willful or repeated violation of any rule, regulation, or policy of the Department.
- c. Failure to make proper report of offenses, to include collisions investigated, observed or reported before the end of their tour of duty for that workday.
- d. Failure to deliver to the official Department custodian any property found by, confiscated by, or relinquished to members of this Department.
- e. Failure to place evidence in its officially designated place for preservation and storage.

ERPD FORM 36-22-108
PUBLIC RECORDS DEPARTMENT
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

f. Failure to take a prisoner or juvenile in police custody before a supervisor following an arrest or detention to notify on probable cause and the appropriate charge prior to booking.

g. If a prisoner or juvenile in custody is transported to a medical facility for treatment then the supervisor must respond to the medical facility.

RULE NO. 5 MAJOR VIOLATIONS

The following actions constitute major violations and may require a supervisory officer to relieve from duty a subordinate officer:

a. Being under the influence of or drinking intoxicants while on duty.

b. The use of intoxicants to the extent the user becomes involved in any incident that may bring discredit to the Department, while off duty.

c. Willful disobedience of any lawful order issued to him or her by any supervisor.

d. For unnecessary force toward any person.

e. For disrespect shown towards any supervisory officer.

f. For indecent, profane or harsh language used in the performance of official duties.

g. For accepting a bribe.

h. For obvious cowardice.

i. For conduct subversive to the good order and discipline of the Department.

EPPD Procedures Manual

5-101. GENERAL. Officers will make proper report of offenses investigated, observed, or reported. Reports will be made promptly, accurately, and in accordance with the report writing procedures of the Department. All necessary reports will be made before going off duty. (CALEA 82.2.1 a, d, e)

A. Accident Reports. Accident reports are made available to the public 3 to 5 working days after the report date. The public must pay a fee to obtain the reports.

5-106.01 ORIGINAL COMPLAINT REPORT. Officers will only provide information required by the Texas Open Records Act on the Original Complaint Report. Any items that are protected from disclosure under the Open Records Act will be listed on a Supplementary Report and not the Original Complaint Report. Protected information includes the following: (1) names of suspects; (2) names of subjects not in custody; (3) names of witnesses; (4) victims of sexual assaults; (4) juvenile victims when the subject has a special relationship to the juvenile; (5) juvenile suspects and/or subjects; and (6) names of parents or other members of the same household of a juvenile suspect or subject identified as references. Names of arrestees, other than juveniles, can be identified in the Original Complaint Report. (CALEA 82.2.1 b)

3-301.08 MOTOR VEHICLE COLLISIONS.

A. Reporting. Officers are required to complete a Texas Peace Officer's Crash Report, CR-3, for any traffic accident they investigate.

Regional Command Operations Manual

8.0 REPORT WRITING. Officers will complete all reports and turn in all evidence received during their tour of duty prior to leaving the station. Reports are

EPPD FORM 36-22-108
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY TO

considered complete when a supervisor has approved the report. (CALEA 82.2.1 a, d, e)

A. A station supervisor will make sure all reports submitted for approval are correct and complete. Officers will be required to make all necessary corrections on their own reports for final approval.

B. A supervisor will approve all arrest reports before the arresting officer leaves the station.

C. If a supervisor is unavailable to approve reports, the supervisor may appoint the desk officer or other senior officer to check and approve reports.

D. Reports will be inspected to ensure the elements of the offense are present, and the reports are of good quality, accurate and complete. (CALEA 82.2.4)

8.1 FIELD OFFICERS REPORT WRITING. Officers will complete a preliminary investigation as per Section 81.2, and issue an incident information card in accordance with Section 5-106 of the Department Procedures Manual. Reports will be completed in accordance with all reporting requirements set forth in the Procedures Manual or State Law. (CALEA 82.2.1 d, e)

9.3 COLLISION - PATROL INVESTIGATION PROCEDURES.

A. Immediately upon arriving at the scene, officers are expected to take appropriate action to protect the crash scene. The primary unit assigned to the call will be in charge of the crash scene. Officers are to check for injuries and provide basic first aid when possible until the arrival of trained medical personnel from the Fire Department. Upon their arrival, the care for the injured will be turned over to the Fire Department. In the event the Fire Department is not dispatched with the first responding officers, the first unit at the scene will request their assistance. (CALEA, 61.2.3 b, e.)

DPS Instructions to Police for Reporting Crashes

4.7.1 – INVESTIGATORS NARRATIVE OPINION OF WHAT HAPPENED

Describe how the crash happened. Emphasize or explain, as necessary, any pertinent facts not fully explained elsewhere. Describe mechanical failures or any other contributing factors necessary for a full understanding of what occurred. If the crash report is incomplete, e.g., a Hit and Run or Fatal and Information is still pending from the investigation, the officer should state his opinion of what happened and document that the investigation is pending or the officer is waiting on factors from the Medical Examiner. This field allows up to 12,000 characters. MANDATORY DATA FIELD: If left blank, report will be returned to the officer.

TIPS:

- Do not repeat names, license numbers, and makes of vehicles.
- Refer to units by number, being careful to use the same number the particular unit was assigned in the report.
 - Use abbreviations for directions, such as "N" for north, "E" for east.
- Avoid vague statements, such as "Unit #1 and Unit #2 collided," with no further explanation.
- Any crash where the driver's physical or mental condition causes an officer to question the driver's ability to operate a motor vehicle safely, should have this

SPD FORM 36-22-108
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

fact noted in the narrative. This would include such things as suspecting the driver of being asleep, ill, blacking out, or having missing limbs.

- If the crash involved a peace officer, EMS employee, or fire fighter operating an emergency vehicle while on an emergency and performing the person's duties, the investigator must provide a brief explanation regarding the nature of the emergency. Texas Transportation Code: 550.064 (b) (2) (3).
- If the narrative states that the crash involved a legally parked, illegally parked or previously wrecked unit then the Parked Vehicle box for the appropriate unit must be selected.

Summary of action to be taken, and timeline:
Immediate compliance

Consequence of failure to improve performance or corrective behavior:
Progressive Discipline

Intended Improvement – Employee's Comments:
Pay attention to duty and accuracy in complaint reports; without cursing and argument--obey guidance and direction from all supervisors.

EMPLOYEE'S SIGNATURE DATE

SUPERVISOR'S SIGNATURE DATE

MANAGEMENT SIGNATURE DATE

Distribution: Copy to Employee, copy to Supervisor and original to be kept in Employee's Divisional File.

EPD FORM 36-22-108
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

EMPLOYEE DISCUSSION RECORD

EMPLOYEE NAME: Paul Portillo #1332

DATE: 07/30/16

Specific details of the attendance, performance, or conduct issue, including date, time and place:

On today's date you were full crew with Officer George Minjares #1505. You were dispatched to 131 N. Americas to investigate a motor vehicle accident 16-212108. Police Dispatch called you to check your status. I responded to see if you needed assistance and even though you were still out on the call, you were not at the scene. Instead, you finished your investigation and drove from 131 S. Americas to 8825 North Loop/Zaragoza while still on your call so that you could take your 10-7 (lunch break). Once at the new location, you went 10-8.

Please make sure to abide by policy and make yourself available when you finish your calls for service. Your not doing so affects the rest of your team who is also wanting to take their 10-7 and who end up taking the calls for service that you got out of by staying on one call only to immediately clear for lunch.

Prior discussion or corrective action on this subject, including date, time and place:

First occurrence

Policy or rule on this subject:

5-203.05 EMPLOYEE RESPONSIBILITIES. While assigned a radio and call sign, employees have the following responsibilities:

D. Unit Status. Units will advise Dispatch when they are en route, on the scene, changing locations, or back in service. This may be done using the MCT or voice communications.

2-302.07 SWORN EMPLOYEES MEAL BREAK.

A. Only one meal break and one 15-minute break is allowed per shift. Breaks will be taken only if time permits.

B. Officers are subject to call during both the lunch break and 15-minute break. Officers will monitor the radio or be available by phone during breaks.

Summary of action to be taken, and timeline:

Immediately comply with policy and cease this activity

SPRD FORM 36-22-108
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOV. CODE CH 552)

DATE: BY: TO

Consequence of failure to improve performance or corrective behavior:

Administrative Actions

Intended Improvement – Employee's Comments:
Enter Employee handwritten comments here:

EMPLOYEE'S SIGNATURE DATE

SUPERVISOR'S SIGNATURE DATE

MANAGEMENT SIGNATURE DATE

Distribution: Copy to Employee, copy to Supervisor and original to be kept in Employee's Divisional File.

EPD FORM 36-22-108
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

EMPLOYEE DISCUSSION RECORD

EMPLOYEE NAME: Martina Ellzaide #1817

DATE: 11/05/16

Specific details of the attendance, performance, or conduct issue, including date, time and place:

This Employee Discussion Record is being generated to document conduct that is unprofessional and reflects poor communication effectiveness. That is it demonstrates that you are not maintaining an open and approachable manner, not functioning as part of a team and are clearly aware of the impact of your actions to self and others.

On this date, Sgt. S. Bentley #2118 issued you an email EDR issued by Lt. Salcido. That EDR documented an Incident where you were observed to create an officer safety issue involving allowing your prisoner to partially handcuffed.

When given the notice to sign, you in a loud and angry voice stated "I don't give a fuck, handcuffs have never been deadly weapons"

This type of outburst is unprofessional and unacceptable.

Prior discussion or corrective action on this subject, including date, time and place:

03/24/2006 Unprofessional conduct was brought to your attention

07/29/16 Your unprofessional conduct was brought to your attention.

11/01/16

Policy or rule on this subject:

3-201 Shift Meetings
EPPD Core Values
EPPD Code of Ethics

Summary of action to be taken, and timeline:

EPPD FORM 36-22-108
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

Immediately Correct your Conduct and verbal outbursts, specifically your use of foul language.

Consequence of failure to improve performance or corrective behavior:

Administrative Actions

Intended Improvement – Employee's Comments:
Enter Employee handwritten comments here:

EMPLOYEE'S SIGNATURE DATE

SUPERVISOR'S SIGNATURE DATE

MANAGEMENT SIGNATURE DATE

Distribution: Copy to Employee, copy to Supervisor and original to be kept in Employee's Divisional File.

EPPD FORM 36-22-108
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

Lujan, Lawrence

From: Salcido, Pedro
Sent: Tuesday, November 01, 2016 11:50 AM
To: Bentley, Steffan; Lujan, Lawrence; Ramirez, Arturo; Salcido, Pedro
Subject: Prisoner Handling

Sergeants;

On 11-01-16 at about 1135 hrs. I was in the holding area and observed Officer M. Elizalde allowing a prisoner using the phone. As the prisoner was utilizing the phone, I observed that he was handcuffed to the his left wrist with double handcuffs and Officer Elizalde hold the other end of the unattached handcuff. My concern is that if the prisoner desired to commit an assault, he would have been provided with a deadly weapon that in a worst case scenario, to stop an attack, may have require the use of deadly force. This would result in an in-custody death that could have been prevented. I immediately brought this to the attention of Officer Elizalde who realized the impropemess of handling a prisoner. I provided her with guidance on the current policy and she was very receptive and understood the dangerous consequences that could have resulted from this incident. No further action is required or necessary other than this documentation.

Sgt. Bentley, please obtain initials from Officer Elizalde to acknowledge this corrective action and place in her Division File.

Lt. P.M. Salcido #1649

1A16-0475

El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement

I, Lawrence Lujan am requesting a copy of my sworn statement which was provided to Internal Affairs on 01/03/17. Please consider this as my open records request per section 552 Texas Government Code.

Lawrence Lujan
Officer Signature

The fees associated with this request have been waived by the Chief's discretion.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

IA 16-0475

El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement

I, PEERO M SALCIDO am requesting a copy of my sworn statement which was provided to Internal Affairs on 12-07-16. Please consider this as my open records request per section 552 Texas Government Code.

Peero M Salcido
Officer Signature

The fees associated with this request have been waived by the Chief's discretion.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE BY: TO

**El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement**

I, Officer Jorge Minjares #1505 am requesting a copy of my sworn statement which was provided to Internal Affairs on 12-22-16. Please consider this as my open records request per section 552 Texas Government Code.

J Minjares #1505
Officer Signature

The fees associated with this request have been waived by the Chief's discretion.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE: BY: TO:

JA 16-0473

El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement

I, Gilbert Sanchez #2277 am requesting a copy of my sworn statement which was provided to Internal Affairs on 12-23-2016. Please consider this as my open records request per section 552 Texas Government Code.

[Signature] 2277
Officer Signature

The fees associated with this request have been waived by the Chief's discretion.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement

I, Martina Elzalde #1817 am requesting a copy of my sworn statement which was provided to Internal Affairs on 01/05/2017. Please consider this as my open records request per section 552 Texas Government Code.

 #1817
Officer Signature

The fees associated with this request have been waived by the Chief's discretion.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE BY TO

12/10/18 C1722

D Nathan